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PROCEEDINGS

MISSISSIPPI STATE BAR

Forty-Ninth Annual Meeting

October, 1954

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VOLUME XXV OCTOBER, 1954 NUMBER 4

CONTENTS

PROCEEDING OF THE MISSISSIPPI STATE BAR 287

ADDRESSES

Jerome S. Hafter, *President's Annual Address* 287
W. D. Masterson, Jr., *The Oil and Gas Lease* 306
James Dempsey, *Defense Technique* 315
Breed O. Mounger, *Observations on the Country Lawyer* 322
William J. Jameson, *The Organized Bar - What Lies Ahead?* 295
Adrian Palmquist, *An Inadequate Award* 324

PROCEEDING OF THE JUNIOR BAR SECTION 329

ADDRESSES

Walter Armstrong, Jr., *Trial Tactics Today* 329

COMMITTEE REPORTS 335

SENIOR BAR

American Bar Association Activities 335
Budget and Finance 335
Complaint Commissioner 336
Judicial 337
Law Journal 338
Legislation (Jr. & Sr. Bar) 337
Procedural Reform 343
Public Relations 344
Resolutions 345
Standards of Admission to Bar 346
Study 346

JUNIOR BAR

American Bar Association 348
Law Institute 349
Legal Aid 349
Public Information 350
Regional Meeting of A B A 351
Statistical 351

DIRECTORY OF MISSISSIPPI STATE BAR 353

GENERAL INDEX TO VOLUME XXV .....

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1953-1954

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JEROME S. HAFTER

Retiring President Mississippi State Bar

PROCEEDINGS OF THE FORTY-NINTH ANNUAL MEETING OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on the 18th and 19th of June, 1954

The Convention was called to order in the Edgewater Gulf Hotel in Edgewater Park, Mississippi, at 8:30 A.M., June 18, 1954, by Jerome S. Hafter, President of the Mississippi State Bar.

The invocation was delivered by Reverend George R. Stephenson of Biloxi.

An address of welcome was delivered by Mr. Howard A. McDonnell of Biloxi, and was responded to by Mr. William Bacon of Jackson.

President Hafter then delivered the following address:

PRESIDENT'S ANNUAL ADDRESS

Jerome S. Hafter

In June of last year when you elected me President of the Mississippi State Bar, I expressed my deep appreciation of this high honor bestowed on me. At that time I stated that the responsibility was a great one, but that I would endeavor to give my best efforts toward making this a successful year in the history of the Mississippi State Bar.

The year has passed and the time has come for the President's annual address. Again I wish to express my deep appreciation to you for conferring on me the highest honor our Mississippi State Bar can award a member. You have not only honored me but have given me certain privileges which will long be a source of pleasure to me as I remember my term as your President. It has been a rich experience to know more intimately lawyers all over the state and to find these lawyers ready to cooperate and serve in any capacity in all State Bar assignments.

At the beginning of my tenure of office I could not possibly foresee or anticipate the many pleasant experiences which the office was destined to give me. In retrospect, however, I can say very emphatically that I have been richly repaid for any time or effort which I may have put into the duties connected with the Presidency of the Mississippi State Bar.

It has been my pleasure to have been invited to a number of meetings of the County and District Bar associations of our state. I exceedingly regret that for unavoidable reasons I was not able to accept all of the invitations so kindly extended me. It was not a surprise to me but it was a source of much delight in visiting the various sections of our state to find lawyers of such outstanding integrity, legal training and earnestness of purpose. I feel confident that the membership of our Mississippi

State Bar compares most favorably with that of any state in the union and I would not hesitate to say that the lawyers in Mississippi are carrying out the fine traditions of our legal profession.

The earlier by-laws of our State Bar required the retiring President in his annual address to review all of the decisions of importance handed down by the State or Federal courts during the tenure of his office. Later the by-laws were changed eliminating this requirement and simply providing for an address by the retiring President. My immediate predecessors in office have on the occasion of their annual address informed the membership of the activities and accomplishments of the Mississippi State Bar during their term of office. To a large extent I shall follow this precendent.

In making this, my annual report to you, I say most humbly that I believe this has been a year of fruition and a successful one in every respect. I say this not in the spirit of boastfulness for I feel that the material accomplishments have been the result of the untiring effort, the splendid ability and the devotion to our profession of the many fine lawyers who have worked on our various committees. I could consume the rest of the period allotted to me on this program in detailing the accomplishments of the various committees. However, in view of the fact that the chairman of each committee which has functioned this year will appear on this convention program with a detailed report, it would not be proper for me to take up your time in a statement or duplication of what will be unfolded to you by these reports. Suffice to say that I believe more constructive legislation has been instigated and steered through the legislature during the past year than during any other year with which I am acquainted. Unfortunately, some of the bills recommended by the State Bar committees were not passed due to the early adjournment of the legislature. These acts did receive serious consideration and will undoubtedly be enacted at the next term of our legislature.

For many years the Mississippi State Bar has realized the desirability of establishing higher qualifications for the preparation of lawyers entering the practice in the state of Mississippi. During the past term of our legislature our committees were successful in having such a bill passed. While the provisions of the bill as passed were not in accord with the full recommendations of our committees, yet it is a very substantial achievement. The chairman of the legislation Committee in making his report will undoubtedly discuss this bill in more detail.

Our committees were also successful in recommending and having passed a bill which substantially increased the salaries of the Supreme Court Judges. Even with the increase provided for under the present law, the salaries paid these able jurists are not sufficient to properly compensate them for their abilities and are not commensurate with the responsibility and the dignity of their office. The success and proper function of our great principle of government has been in a large measure the result of our courts of last resort being composed of lawyers whose legal abilities have been of the highest order and whose integrity has been beyond the slighest suspicion. It is axiomatic that good law makes good government.

Unfortunately the bill which was sponsored by the Mississippi State

Bar for the increase in the salaries of our chancellors, circuit and county judges failed. This bill had been approved in the committee of the legislature and our committee had high hopes of its final passage. However, the legislature adjourned before this bill could be finally enacted. It is our hope that the necessity for such a bill is apparent in the minds of the legislature and that it will be passed at the next term of our legislature.

An analysis of the judicial proceedings in the courts of our state shows beyond any doubt that the amounts involved in suits have been tremendously increased, that litigations now pending in our courts are of a more complicated nature, that new fields of law are being explored in our state and that the necessity for maintaining the highest standard of legal ability among our judges is becoming more and more important.

We are especially proud of the fine judges we have in our state and it is to our everlasting shame that the legislature has not recognized that the salaries of these judges and chancellors are entirely inadequate and do not compensate these jurists for the splendid services they are rendering to the State of Mississippi. It is hoped that the Mississippi State Bar will continue its efforts until proper salaries have been fixed for the officers who preside over our courts.

My official duties have been made easier and more pleasant by the able assistance I have received from the excellent lawyers whom you elected to serve as Bar Commissioners during my tenure of office. At each Mississippi State Bar Commissioners' meeting it was with a distinct feeling of pride that I found these commissioners had put aside their personal business and had traveled from the far corners of our state to assemble, counsel and act on the matters pertaining to the administration of our bar. These commissioners were especially diligent in attending regularly these meetings and I deeply appreciate the careful consideration which you gave in electing them. At this time I say to them that I have a heartfelt gratitude for their splendid advice and cooperation in helping me perform the duties of my office and enabling me to turn this association over to my successor as a living, growing and smooth-functioning organization.

I have been extremely fortunate in having as my First Vice-President, Robert Farley, and as my Second Vice-President, Robert Nichols. They have been excellent advisors and have shouldered time-consuming burdens. I am deeply grateful to them for their advice and assistance.

There is one duty connected with the Mississippi State Bar which must be handled by a man of extremely good judgment and a keen obligation of duty to his fellow lawyers. I refer to the office of Complaint Commissioner and to Robert E. Perry who has most efficiently performed that duty this year. There has been no limit to the time and effort which Bob Perry has put forth. His judgment and results of his efforts have stamped him as an excellent Complaint Commissioner. There are no duties connected with this office that are pleasant, but the proper performance of the Complaint Commissioner is vitally necessary in order for us to maintain our high standard of ethics and integrity in our Mississippi State Bar.

The Mississippi State Bar is indeed fortunate in having the services of Mrs. Alice Nevels as our Secretary and Mrs. Lillian Sadler as her as-

sistant. Mrs. Nevels has a clear and comprehensive knowledge of the purposes and function of our Bar and of the duties of her office and those of its President and other officers. I have freely utilized her ability and experience and have been greatly assisted by her in the performance of my duties during the past year. I am very grateful for the cooperation and assistance which I have received from Mrs. Nevels and Mrs. Sadler.

We have this year changed the location of our offices, having secured a larger office on the first floor of the new Capitol building. Our present quarters are adequate and are a distinct enlargement and improvement over our former office. The securing of our new quarters was largely the result of the efforts of our Secretary, Mrs. Alice Nevels.

It has been brought to my attention this year that many of the state bar associations have erected buildings to be used as headquarters for their local state bar associations and as a gathering place for the lawyers. It is my recommendation that serious thought be given to the starting of a fund for such a building in Mississippi in the near future.

All of us have been receiving the various issues of *The Mississippi Lawyer*. I cannot give too much credit to its Editor, Mr. Bob Nichols, and to those who have assisted him in bringing this excellent medium into existence and for their excellent work in making this such a fine publication. It is believed that the usefulness of this publication will continue and that it will be very beneficial to the lawyers throughout the state. This publication has been so skillfully handled that it has not been necessary for any of the Mississippi State Bar money to have been spent on it. It has been self-sustaining and is serving a most useful purpose.

I recall years back when the Junior Bar Section was first formed that many of the older lawyers of the Bar felt that such a movement was ill-advised and that it would not be beneficial to the Mississippi State Bar as a whole. Experience has taught us that such is not the case and that the Junior Bar Section has functioned in a most able manner and is a distinct and beneficial adjunct to our Mississippi State Bar. It has been my privilege to observe the earnestness and the serious work done by the Junior Bar and I am very grateful to the Junior Bar for the fine cooperation and assistance which has been given me during my administration. It is a source of pride for us to have observed how mature in judgment and serious of purpose are these young lawyers. The Junior Bar has always been a distinct asset and a vital, beneficial force to the Mississippi State Bar. Its officers and committees have enjoyed an active and successful year.

Several months after our convention last year it was my pleasure to attend the seventy-fifth convention of the American Bar Association in Boston. The general theme of this convention was "Liberty Under Law". In the President's annual address, Robert Storey made this statement: "Let each of us assert a sincere, true and basic philosophy of living and acting under God and the law, then we may truly say, 'Liberty Under Law' shall be eternal."

The American Bar Association was founded by men with foresight and initiative. The constitutional objectives are to advance the science of jurisprudence; promote the administration of justice and uniformity

of legislation and of judicial decision throughout the nation; uphold the honor of the profession of the law; encourage cordial intercourse among its members; and to correlate the activities of Bar organization of the respective states on a representative basis in the interest of the legal profession and of the public throughout the United States. The seventy-fifth convention was inspiring and worth each lawyer's time who attended. A new era for the American Bar Association was begun—one to be called the Era of National Service.

The phase of this new era I wish to report to you is the American Bar Center which will be dedicated this August in Chicago at the American Bar Association convention. I must say to you frankly, however, that I was extremely humiliated to learn at the American Bar Association convention that Mississippi was the only state in the union that had not contributed any part of its quota to the $1,500,000 American Bar Center which is being erected by the American Bar Association as its permanent headquarters in Chicago, and that pamphlets had been sent out showing the weekly progress of all states in raising their quotas and that the state of Mississippi was at the bottom of the list with zero percentage. I am happy, however, to say to you now that as a result of the efforts of your president and a number of Mississippi lawyers this situation has been materially changed and that over sixty per cent of our quota has been pledged and remitted. I sincerely hope that our campaign in Mississippi has reached a 100% of its quota in this fine undertaking.

I was especially happy to find that Mississippi's representatives in the governing body of the American Bar Association, known as the House of Delegates, were held in high esteem by the members of this important body. Both Phil Stone and John Satterfield were highly regarded by the delegates and their activities reflected great credit on the Mississippi State Bar.

I was further proud of the fact that even though Boston is a great distance from our state, Mississippi was represented at the American Bar Association convention by an unusually large number of splendid lawyers and that these lawyers were very active in the work of the American Bar Association.

This past year has brought me in close contact with the local bars, county bars and with the University of Mississippi Law School. It gave me great satisfaction to visit the law school library and the *Law Journal* offices, to meet and be with the young men in our state studying to enter our profession. We, as members of the Mississippi State Bar, must be ever mindful that it is the lawyer who has constantly guarded our American heritage, and who has made our constitutional rights and liberties effective.

It was my privilege as President of the Mississippi State Bar to have addressed the Mississippi Law School on Law Day celebrating its centennial. As I looked out over their student body and faculty I was proud I was a Mississippian and proud that our state has such a fine law school and such a splendid and intelligent group of young men training to enter the legal profession.

I also attended the Southern Law Review Conference held at the University of Mississippi and was again made conscious of the national

recognition given our Mississippi Law School by the fact that one of the Justices of the Supreme Court of the United States addressed this conference as the principal speaker.

It was also my privilege as President of the Mississippi State Bar to deliver the address of welcome at the Louisiana State Bar convention which was held here on our Gulf coast.

We are members of a profession whose origin reaches far back into history. It has always been a proud profession and one which has been closely associated with government and exerting a strong influence thereon.

The present laws of the United States did not come into existence suddenly but are the result of intelligent thought molded throughout the ages. Our present law found much of its reasoning related back to the Talmud and Torah of the Jewish people. It has been influenced in its development by the laws of the Greeks, Romans, Germans, French and English. It is very much dependent upon the laws of the English. Thousands of decisions of our state and federal courts have gone into the development of our present system of jurisprudence. One might be tempted to think that the law is settled and static. Nothing could be further from the fact than this. We are today living in a time when the law, if more fluent, is more changeable and more expanding in principle than it has ever been before in our history.

During the past year many controversial matters have been before our courts which vitally affect our way of life. Uppermost in the minds of every lawyer are the cases decided by the Supreme Court of the United States on May 17, 1954, which cast aside every known precedent and by sweeping language attempted in one stroke to destroy the way of life which we Southerners have learned to love, know and deeply cherish.

To many of us this decision was expected in the light of known influences upon the Court, but none of us in reality had anticipated or prepared ourselves to gauge the breath to which the Court went in its decision. We, as lawyers, have had a profound respect for the doctrine of state decisis. We, as lawyers, in attempting to determine what is or what is not the law, depend upon the former decisions of the Court and have a reasonable right to believe that the Court will follow its own decisions. Believing this, we had a right to think that the May 7, 1954, decision would have been predicated on principles of law announced by that Court in its former decisions and especially in its decision of *Pleassy v. Ferguson*[1] wherein the same questions were before the Court for determination under the interpretation of Amendments 13, 14 and 15 to the Constitution of the United States. The learned opinion in *Plessy v. Ferguson* was rendered by Mr. Justice Brown. This opinion is a scholarly and legal analysis of all statutory and constitutional provisions involved in the determination of the segregation question. Mr. Justice Brown in his opinion said:

"By the 14th Amendment, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are made citizens of the United States and of the state wherein they reside; and the states are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive

any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws.

"The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting and even requiring their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced".

Thus, it will be seen that there could not be a more definite and clear-cut pronouncement of legal principles founded on our Constitution than is contained in the opinion of Mr. Justice Brown.

The opinions of the Court, expressed through Mr. Chief Justice Warren, on May 7, 1954, attempt to nullify and reverse the *Plessy* case and other pronouncements of the court prior to its latest decisions. The essence of the decisions seems to be nothing more than a finding of fact by the Court that segregation in itself is a violation of the 14th and 15th Amendments to the Constitution of the United States. The Court finds as a matter of fact that the system of separate schools of equal facilities and curricula in itself constitutes a violation of the rights granted by the 14th and 15th Amendments. Without any precedent, the Court by these opinions repeals and reverses every pronouncement of the Court which has governed these questions since 1868. These decisions will not help, but will for many years to come aggravate the racial condition in our state and will set progress back many years.

The white and colored races in Mississippi have for many years established and lived under a very harmonious relationship and it is sincerely hoped that the cool judgment of both races will cooperate to see that we do not revert to racial hatred and prejudice by the striking down of customs which have been acquiesced in and have been satisfactory to all Mississippians, whether white or colored. It is believed that the negroes of Mississippi as a whole feel that it is beneficial for their children to be educated in schools with equal facilities and curricula and taught by colored teachers. It is believed that the sympathetic consideration accorded to the negroes in Mississippi gives them more security and a greater happiness than the treatment accorded them in many northern states where the law abolishes any segregation in the statute books but not in the realities of life.

It is hard for any of us, as lawyers, to know what proceedings will best preserve our present segregation laws and the good will which exists among the races in our state. It will require the efforts of the best legal minds in the South combined and united to work out a satisfactory

solution. I am confident that the proper solution is available and hope that it can be put into effect with as little tragic consequence as possible.

These decisions of the United States Supreme Court in my humble opinion are not based on sound legal reasoning. It is my opinion that the personnel of the United States Supreme Court has been influenced by newspapers, periodicals, and pressure groups which have permeated the press. Many of these groups have argued that is better to change our way of life in the South if by doing so our diplomats can say to the colored nations of the world that we welcome them as our allies and consider them as our social equals. It is my further humble opinion that the decision would have been based on more legal and judicial reasoning had the present Court been composed of experienced judges promoted from the federal bench or from the supreme court judges of the various states rather than the present personnel of the United States Supreme Court, whose appointments in some respect may be considered political rather than based on judicial ability or temperament.

The average American citizen has a good understanding of and an active interest in the many serious problems existing in the fields of economics, politics and foreign affairs, and as a united nation we will solve them and continue as a free and liberty loving people.

The founding fathers who first established the ideal of liberty under law, and the men who gave America the ideals of government, the basic principles in our Constitution, knew that they had just begun to give to the world the principles of freedom and justice. Other years would hold trying times and momentous decisions, yet they tried to establish an ideal in government that men could build upon and strengthen.

The legal profession has always furnished interpreters and advisers in matters pertaining to the very existence of man's liberty. It is no wonder that today the lawyer is being chosen to give his best thoughts and knowledge to problems here and on the international scene.

You, my fellow Mississippi lawyers, have a place in the light of the over-all picture of world events. Good citizenship in your community makes the place you live in a happier, better part of this state. Good state citizenship, which means the understanding of the new services lawyers can render the state, the knowledge of how to handle new types of litigation arising from new economic sources in our state, and a willingness to cooperate in building a higher standard for lawyers in Mississippi should be your aim. As an individual lawyer you should continue to uphold justice and truth with wisdom and Divine guidance. And last, that as you live in your office day by day you think of a creed by Howard Arnold Walter, which simply but sincerely says:

I would be true, for there are those who trust me;
I would be pure, for there are those who care;
I would be strong, for there is much to suffer;
I would be brave, for there is much to dare;
I would be friend of all—the poor—the friendless—
I would be giving and forget the gift;
I would be humble, for I know my weakness;
I would look up, and laugh and love and lift.

We are living in tragic times. The peace of the world is insecure and we do not know what may confront us as a nation in the immediate future. We do know, however, that America is the greatest nation in the world, that it has the natural resources and men of courage that will never permit us to be destroyed from within or without. We, as Southerners and Americans, will all face future eventualities with our confidence in our fellowmen and our faith in God.

Mr. Joe Wroten of Greenville presented the Report of the Legislative Committee.[1] Upon motion and second this report was adopted, and the convention voted unanimously to endorse and join in the recommendations of the Committee.

Mississippi Supreme Court Justice William N. Ethridge, Jr. then delivered the Report of the Study Committee. Upon motion and second this report was adopted unanimously by the convention.

Mr. Phil Stone of Oxford presented the Report of the Procedural Reform Committee. Upon motion and second this report was adopted unanimously by the convention.

Mr. John C. Satterfield of Jackson presented the Report on Standards of Admission to the Bar, which report was unanimously adopted by the convention after motion and second to that effect.

Mr. J. K. Travis of Jackson presented the Report of the Budget and Finance Committee. This report was unanimously adopted by the convention after motion and second to that effect.

Mr. John C. Satterfield of Jackson presented a Report on the American Bar Association Activities. The report was adopted by the convention unanimously after motion and second to that effect. The meeting was adjourned for the morning.

FRIDAY, JUNE 18, 2:00 P.M.

The meeting was called to order by President Hafter. At the request of the President, Mr. Phil Stone of Oxford introduced the next speaker, Mr. William J. Jameson, President of the American Bar Association. Mr. Jameson gave the following address:

THE ORGANIZED BAR—WHAT LIES AHEAD?

*W. J. Jameson**

Some time ago I received a letter from a lawyer in a small town in Kentucky which contained the following: "Both of us are from rural states which has few large communities. I imagine you have heard the same thing many times that I have. 'The American Bar Association is a private club operated for the use and benefit of large city lawyers who have already made theirs. What's in it for a country lawyer? I'll never go to annual meetings, so why waste my money belonging!' "

This is a pertinent question and deserves an honest and satisfactory answer. It seems to me that my primary obligation is to report to the

*Coleman, Jameson and Lamey, Attorneys at Law, Billings, Montana; President of the American Bar Association.

lawyers of the country both in the large cities and the small towns just what the American Bar Association and the organized bar in general are doing for them and for the public.

The impression that the American Bar Association is primarily an organization of large city lawyers is completely erroneous. There was a time back in the so-called "Saratoga Era" when this criticism was justified. In fact, at one meeting shortly before the turn of the century they seriously debated the question of limiting the membership to one thousand, and one suggestion for accomplishing this result was to increase from five to seven the years of practice required before admission. Contrast that, if you will, with the situation today when we urge all young lawyers to join the Association, making a concession in dues for the first five years, and make our largest appropriations for the Junior Bar Conference and the American Law Students Association. We are pleased today that so many young lawyers are participating actively through committee membership and are assuming major roles in important projects of the Association.

Today the percentage of the lawyer population belonging to the Association is much higher in the rural areas and small cities than in the large cities. The state of Nevada with two-thirds of its lawyer population in the Association has the highest percentage; the state of New York, the lowest.

The House of Delegates, which is the policy-making body of the organization, includes representatives of all state and many local bar associations and affiliated legal groups. In fact they comprise 115 of the 222 members of the House of Delegates, with 107 representing the American Bar Association through state and assembly delegates, past presidents, and section delegates.

Prior to 1937 the American Bar Association was a purely autonomous organization with the policy determined at each annual meeting by the members in attendance. Since 1937 the policy and programs have been determined by members of the House of Delegates directly representing some 150,000 lawyers, and meeting twice a year to consider and act upon reports and recommendations of 28 standing committees, 29 special committees, and 17 sections with 270 committees.

The American Bar Association today is truly representative of the American lawyer, whether he comes from the largest city or the smallest town and whatever his geographical location. It is composed of lawyers of varying shades of political, economic, and social beliefs, all united in a well-considered and constructive program for the advancement of the profession and the promotion of the public objectives of the Association.

A few months ago James Rafton Rogers in an article in the AMERICAN BAR JOURNAL wondered whether any officer of the Association comprehends completely the ramifications of the past and present activities of the Association. I thought last August I was quite familiar with the work of the organized bar. During the past ten months I have had the privilege of traveling over 75,000 miles, visiting state and local bar associations in thirty-four states in every section of the country. I have observed the excellent institute and workshop programs for the benefit of the practicing lawyer. During the same period I have received

reports from most of our Association and section committees, over 300 in number. I am continually amazed at the breadth, scope, and magnitude of the constructive work of the organized bar in this country today. It is, of course, only through complete cooperation at all levels: national, state and local, that the work of the organized bar can be truly effective.

We like to think that Mr. Rogers is correct also when he says that one may say with confidence that no professional association and perhaps no national organization of any kind has done so much with so little money as the American Bar Association. If this be true, it is because able and busy lawyers throughout the nation are willing to devote their time, often at their own expense, in promoting some project for the good of the profession or toward the attainment of the great public objectives of the Association—the preservation of representative government, the improvement of the administration of justice, providing legal services for all citizens at a cost within their means, the maintenance of high standards of legal education and professional conduct, and the promotion of peace through the development of a system of international law consistent with the rights and liberties of American citizens under the Constitution of the United States.

The present year is one of transition in the American Bar Association. It will witness the culmination of two of the most significant projects in the history of the Association—the construction of the American Bar Center and the completion of the reports and recommendations of the Survey of the Legal Profession.

The American Bar Center, now being constructed on a site given by the University of Chicago, will cost approximately two million dollars. It is financed by a bequest of $400,000 from the William Nelson Cromwell estate, a building fund of $250,000, and $1,500,000 contributed by the lawyers of America. It will provide headquarters for the Association and affiliated organizations, a library where the publications and material of the organized bar may be preserved, correlated, and made available for reference and study, a center for research, and a "clearing house" of research activity in the field of law.

I am pleased to report that of the $1,500,000 to be raised by the lawyers, over $1,325,000 has already been pledged. Thirteen states have exceeded their quotas. There have been important commemorative gifts. It seems to me it is appropriate to perpetuate the names and accomplishments of illustrious members of our profession in the American Bar Center, so aptly described by Mr. Justice Jackson at the cornerstone ceremonies as a "cathedral to testify to our faith in the rule of law."

The building is now under construction. We are assured by the contractor that it will be completed in July. We plan to dedicate it at the annual meeting in Chicago in August in an interesting and colorful ceremony, with Chief Justice Warren giving the dedicatory address.

The American Bar Research Center is already a going concern organized and functioning well in advance of the completion of the splendid new building which will house its activities. We are most fortunate in its leadership. John Cobb Cooper of Princeton, New Jersey, who has had a distinguished career both as a practicing lawyer and administrator, is the acting Administrator of the new Center. Robert G. Storey, im-

mediate past president of the Association, is chairman of a group of distinguished judges and lawyers on the Research and Library Committee.

Through the cooperation of the law schools, the research clearing house has made substantial progress. Mr. Cooper collected information with respect to more than 1900 legal studies completed at law schools available in their libraries but never published or included in any list of available legal material. These items have been classified as to subject matter and the information distributed in bulletin form to libraries, law schools, and others interested, thus assisting in the correlation of research and avoiding wasteful and unnecessary duplication of effort in this field.

As a result of letters to over 1400 bar associations, the Research Center has already assembled information regarding existing material and the extent to which duplicates are available. The cooperation of state and local associations has been most gratifying.

Substantial progress will be made this year in the first and one of the most important of the contemplated research projects. A special committee, of which Associate Justice Robert H. Jackson of the United States Supreme Court is chairman, is supervising the preparation of a plan for a nation-wide study of the administration of criminal justice. More speedy and certain punishment of the guilty and greater protection for the innocent are the twin aims of this project. The Ford Foundation made a grant of $50,000 to finance a design or plan to determine the scope and methods of the study. Arthur H. Sherry, Professor of Criminology at the Law School at the University of California, is director of the planning phase of this study. A report will be made at the annual meeting of the House of Delegates in August.

There is a tremendous interest in this research program. Some forty or fifty projects have been suggested to date, and five thus far have received the approval of our Research and Library Committee.

Within the past month we have received a grant from the Alfred P. Sloan Foundation which will provide funds for a source book entitled *Encyclopedia of Freedom*, which we are confident will make a significant contribution to our program in training in American citizenship.

The Survey of the Legal Profession has been described by its director "as a broad study of the functioning of lawyers in a free society." Started in 1947 and financed by grants from the Carnegie Corporation and annual appropriations of the Association, over 150 reports have been completed. These reports cover all phases of the legal profession and its relationships to the public, including professional services by lawyers, public services by lawyers, judicial services, professional competency and integrity, economics of the profession, and organized bar. In this comprehensive survey the objectivity of the study and complete academic freedom of the directors and reporters have been emphasized.

For the first year, the survey was directed by Arthur T. Vanderbilt, who is now Chief Justice of the Supreme Court of New Jersey, and for the past six years by Reginald Heber Smith of Boston. The studies have been supervised by a council of distinguished lawyers and laymen, and over four hundred have participated in the survey. More than ninety per cent of those participating have been volunteers serving without

compensation, and all members of the council and officers and the two directors have served without compensation.

Of what do these reports consist? There are two, one by Dean Pound on "The Lawyer from Antiquity to Modern Times" and one by Professor Sunderland on "The History of the American Bar Association," which together trace the evolution of the organized bar from the informal meetings of Colonial days to the highly representative organization of today. A recent report by Glenn Winters, Secretary of the American Judicature Society, is an exceedingly useful and practical handbook on Bar Association Organization and Activities. There are excellent reports on pre-legal education by Arthur T. Vanderbilt, Chief Justice of the Supreme Court of New Jersey, and on legal education by Albert J. Harno, Dean of the Law School of the University of Illinois, which should prove invaluable in the field of legal education. A report by Edwin Otterbourg on "Unauthorized Practice of the Law" traces unauthorized practice from the time John Adams began a one-man crusade against the pettifoggers, deputy sheriffs, bailiffs, and tavern keepers of Colonial days to the present time, where we rely primarily upon the conference method, agreeing with other groups upon statements of principles.

There is a report by Judge Orie Phillips and Judge Philbrick McCoy on the "Conduct of Lawyers and Judges" which contains this pertinent question, "Where does the average American lawyer stand in the respect of his community as an individual and as a representative member of his profession?" Unfortunately, the answer must be, "Well, but not well enough," and there can be little question that the principal reason we do not stand well enough is the lack of an adequate public relations program.

It is important that both as bar associations and individual lawyers we recognize the obligation of letting the public know the nature and function of a lawyer's work, the importance of consulting lawyers on legal problems, the fact that legal services are available to all at a cost within their means, and the services to the public of both bar associations and individual lawyers. I am glad to report to you that this problem is being recognized more and more by the American Bar Association, as well as state and local associations.

These are a few of the 150 reports which contain the factual data on our profession—some encouraging, some disturbing, but all pointing the way to the organized bar for greater service to the public and the profession.

We now have the important problem of utilizing and implementing these reports. For the key position in each field of study the available man was selected by the Survey Council. These key men were called consultants. We have now requested each consultant to prepare his own plans and specifications for implementing his report with recommendations which may be carried out immediately and those which require long range planning. As these recommendations are received, they are submitted to our Committee on Scope and Correlation of Work for study and report to the Board of Governors and House of Delegates. A committee of the Conference of Bar Presidents will also consider the recom-

mendations and arrange, where appropriate, for cooperation by state and local bar associations.

One of the recommendations already submitted will illustrate the procedure. We received reports on lawyer census, lawyer income, the government lawyer, and other subjects relating to the economics of the profession. Prior to these studies there were no reliable factual data to assist law students in determining where they should locate, the type of practice in which they should engage, and whether they should accept employment with the Government or some corporation. Obviously, statistical data with respect to lawyer population and income to be useful should be kept current. These subjects involve continuous and long range research and, accordingly, have been referred to the Research and Library Committee of the Foundation. Many additional recommendations will be received from the various consultants in the near future, and plans will be formulated for both immediate and long range implementation.

When the Survey was completed, it was found that one subject had not been adequately covered, *i.e.*, the participation of lawyers in public affairs. The Oklahoma Bar Association, according ly, arranged with the Bureau of Business Research of the University of Oklahoma to make a study of the participation in public activities by the lawyers of the state.

The survey was very comprehensive and entirely objective. Its results are of general interest and encouraging to the legal profession. The survey showed that:

Ninety-five per cent of the lawyers in small counties, eighty-eight per cent in medium-sized counties, and seventy-nine per cent in larger counties engaged in some type of political activities.

Eighty-seven per cent of the lawyers in small counties, ninety per cent in medium-sized counties, and eighty-one per cent in larger counties belong to some church, and fifty per cent of them are active in church work.

Seventy-two per cent of all lawyers in the state participate in the work of the Chamber of Commerce and other business clubs; sixty-four per cent in one or more chartable organizations; forty-isx per cent in patriotic organizations, and thirty-eight per cent in youth organizations.

The lawyers of Oklahoma spend an average of 46.7 hours per week in legal work, with seventy-two per cent working from forty to sixty hours per week, and twelve per cent from sixty to ninety hours per week.

The lawyers in the larger communities spend more time in legal work, whereas the lawyers in the smaller communities devote more time to participation in all types of public activities.

Lawyers spend an average of 5.9 hours per week, or thirteen per cent of the average work week, in legal work for which they know they will not be compensated. Only five per cent reported that they did not perform any unpaid legal services.

I think it is safe to assume that the results in other states would not differ substantially from those in Oklahoma.

Those of you who are active in the American Bar Association are, no doubt, confronted constantly, as I am, with these two questions, "What is the American Bar Association doing for the public? What is it doing for the average lawyer?" With reference to the public, you will recall that a few years ago we adopted five long-range objectives, and I will comment very briefly on each of them.

The first major objective of the American Bar Association is "the preservation of representative government in the United States through a program of public education and understanding of the privileges and responsibilities of American citizenship." In his message to the last annual meeting of the Association, President Eisenhower reminded us "that the role of the lawyer in the daily life of our nation and communities is vital to our democracy" and that "the lawyer is the guardian of individual liberties guaranteed under our Constitution and their defense is one of the main objectives of the Association."

A distinguished member of our Committee on American Citizenship, Judge Robert V. Bolger of Philadelphia, put it this way: "Unless we preserve our form of government, everything else will collapse—our free enterprise system, our educational, scientific and artistic institutions, and above all, our religious liberty."

In addition to the Committee on American Citizenship, Committees on the Bill of Rights, Individual Rights as Affected by National Security, and Communist Tactics, Strategy and Objectives are devoted to this very vital problem. Together, those committees have formulated what seems to me to be an exceedingly well balanced program between the protection of the individual rights and liberties guaranteed under our Constitution and the safeguarding of our national security through combating Communism and preserving our Constitutional form of government.

As our Committee on Communist Tactics has expressed it, "In the contest for the survival of constitutional government, the American Lawyer bears a unique responsibility properly placed upon him by reason of his training."

We must recognize and protect the constitutional rights of all, including Communists, but at the same time we must not be blinded to the fact that if the Communist philosophy should prevail, these constitutional rights would be forever lost. We must be zealous in the protection of individual rights, but at the same time, be equally zealous in safeguarding our national security and our American form of government. And certainly the organized bar and the individual lawyer alike have a challenge to leadership in this all-important task of maintaining the proper balance between government and man, between individual rights and national security.

The second major objective is "the promotion and establishment within the legal profession of organized facilities for the furnishing of legal services to all citizens at a cost within their means." How are we meeting this objective? Through three committees—Legal Aid, to assist poor persons in the protection of their legal rights; Lawyer Referral Service, to make legal sarvice more readily available to persons of moderate means; and Legal Service to the Armed Forces.

Last year, legal aid organizations handled over 350,000 cases for people who were financially unable to employ counsel. At the close of 1952, there were 130 legal aid offices in the United States, an increase of sixty-nine since the American Bar Association's promotional campaign was commenced in 1946. In addition, there are approximately seventy voluntary committees which do not have a legal aid office.

The immediate objective of the Legal Aid Committee is to establish a legal aid society in the sixty-eight large communities now without this service, but as the committee points out, in all communities, large and small, the bar should extend the program a helping hand. The report to the committee says further, "We are sure that adequate facilities for legal aid will one day be established throughout the land. The question, however, is this—will these agencies be established and regulated by the independent bar, or will they be governmental bureaus?

The program of Lawyer Referral Service, for those of moderate means who can afford to pay a reasonable charge, was first instituted in Los Angeles some seventeen years ago. Today over 100 are in operation, of which half are less than three years old. A recent article in Collier's magazine entitled "Are you Afraid of Lawyers?" is an excellent description of the American Bar Association program of Lawyer Referral Service. In this article the author states that the main reason so many shy away from lawyers is the fear of being over-charged. This conclusion is confirmed by the experience of Lawyer Referrel Services which find that from sixty per cent to eighty per cent of the people who first utilize the service have never before consulted a lawyer. Surveys in many parts of the country show that even today only about twenty-five per cent of the real estate purchasers are represented by lawyers, and in the larger cities, only about fifteen per cent of those who die leave wills, and one-fifth of those are holographic wills.

Whether it is accomplished through a formal program of Lawyer Referral Service or simply through an adequate program of public relations, surveys throughout the country indicate the importance of explaining to clients and the public the nature of the work of the lawyer, the basis for his charges, and the advantages of consulting a lawyer on every legal problem, and to make it clear that misconduct with respect to fees is confined to a small minority of our profession.

The program of Legal Assistance to the Armed Forces is twelve years old. In that period, the legal assistance officers and the cooperating civilian lawyers in the United States have handled the astounding total of over twenty million legal problems of servicemen, ranging from the drafting of simple legal instruments to domestic relations cases and more complex legal problems of all kinds.

The third major objective is "the improvement of the administration of justice through the selection of qualified judges and adherence to effective standards of judicial administration and administrative procedure." Nine committees and sections are working in this field. The Committee on Judicial Selection, Tenure and Compensation has been particularly active in recent months in enlisting the support of both the legal profession and the public generally in favor of legislation to increase judicial and congressional salaries. The Committee has received excellent support from the organized bar throughout the country. May

I read briefly from a letter I received from the Chairman of the Commission on Judicial and Congressional Salaries, complimenting this committee for its fine work? The letter says: "You know, as well as anyone, the present vast importance of the organized bar in our country and the splendid work it has done on behalf of the members of our profession, the judiciary and the public at large. I doubt whether the American Bar Association has ever risen to greater heights or performed more important service with greater efficiency than is the case of the work of this committee on judicial tenure in connection with this particular program."

Certainly, that committee deserves the cooperation of every member of the bar in urging Congress to adopt the important recommendations of the Commission on Judicial and Congressional Salaries.

I should mention one other activity under that objective. I find as I go about the country that from the standpoint of public service and public relations, the program of the Traffic Court Committee is one of the most important.

Many lawyers wonder why we should be engaged in this particular activity, but I think the underlying reason was particularly expressed many years ago by Charles Evans Hughes when he was Chief Justice of the Supreme Court, in these words:

"Upon the minor courts rests the burden of all our legal institutions. Justice in the minor courts—the only courts that millions of our people know—administered without favoritism by men conspicuous for wisdom and probity, is the best assurance of respect for our institutions."

Our fourth objective is the "maintenance of high standards of legal education and professional conduct to the end that only those properly qualified so to do shall undertake to perform legal service."

In this field, the work of continuing legal education is a wonderful program that is headed by a Committee of twenty-two of the American Law Institute and the American Bar Association. Then, of course, we have the Section of Legal Education and Admissions to the Bar and the Committees on Professional Ethics and Grievances, Law Lists, and Unauthorized Practice of the Law.

In perhaps no field of work of the organized bar are the interests of the profession and the public more similar and interwoven than in the work on unauthorized practice. This work has not been undertaken by the American Bar Association primarily to prevent competition. Rather it is recognized as a public danger, with the victims receiving either incompetent or unqualified advice. As the Supreme Court of Iowa has well said: "The public, far more than the lawyers, suffers injury from unauthorized practice of law. The fight to stop it is the public's fight."

Just another word with respect to unauthorized practice. Not long ago, I met Ed Eisenhower on the train. He is a member of the Unuthorized Practice Committee, and I was very much interested in his comment, that the longer he serves on this committee, the more impressed he is with the correlative obligation on the part of the lawyer to be well qualified in those fields in which we complain of unauthorized practice by other groups.

It seems to me that is particularly important. If, for example, as sometimes happens, the accountants are better able to advise on tax matters than we are, even on legal aspects of tax problems, or the trust officers of some bank or life insurance agents are better able to advise on the legal aspects of estate planning than are the members of the lagal profession, then certainly we haven't very good cause to complain of the unauthorized practice.

I think there is a lot to what Mr. Eisenhower said, that in addition to being active in opposing unauthorized practice of the law, we must definitely recognize our correlative obligation to be well qualified in those particular fields.

Our fifth objective is the "promotion of peace through the development of a system of international law consistent with the rights and liberties of American citizens under the Constitution of the United States."

In that field we have two groups, the International and Comparative Law Section and the Committee on Peace and Law through United Nations. They haven't always agreed. That, of course, was true with respect to the Bricker Amendment, but more often they have agreed. But whether they have agreed or disagreed, it seems to me important that through those two groups we have had an able and intelligent presentation of both sides of many of the important questions in the field of internatoinal law.

Of the seventeen Sections of the Association, ten are so-called "bread and butter" Sections, which are of direct benefit to lawyers and answer the common question, "What is the Association doing for the American Lawyer?"

Time will not permit any detailed account of the accomplishments of the various sections. I will refer to one, as illustrative of the service both to the profession and the public of these specialized groups. The Section of Taxation has been amply described as "the people's tax attorney." Its standing in Congress is illustrated by a statement on the floor of the House of Representatives by Congressman Reed of New York when he said: "The Tax Section of the American Bar Association deserves the highest praise for its constructive work in this field. These distinguished lawyers have devoted themselves unselfishly to this task, not in the interest of their clients but in the general public interest of making our tax laws equitable in their application and better in their administration."

What, specifically, has the Tax Section accomplished? Obviously, the work of this Section, like that of the other sections, is correlated with other groups working in the same field. May I enumerate just a few legislative acts for which the Section is entitled to either full or partial credit? Of first importance is the provision in the Revenue Act of 1948 for income splitting in income, estate, and gift taxes. You will recall that the inequities between community property and common law states troubled Congress for twenty-five years. The 1948 Revenue Act embodied in principle the recommendation of a special committee of the Tax Section, and this Section assumed a major role in the enactment of this important legislation. Other recommendations of the Tax Section which have been adopted include the present provision for limitation

of gain in the sale of a taxpayer's residence, where a new residence is purchased—usually made necessary by an increase in the size of the family or by a change in the place of the taxpayer's employment; the reinstatement of the rule which permits "spin-offs" without recognition of gain or loss to the stockholder; the provision for deduction from the gross estate of enforceable pledges tto eleemosynary institutions; the provision of the 1942 Act allowing a deduction of certain non-trade and non-business expenses.

These are just a few of the accomplishments of the Tax Section which justify a statement made recently by a former president of the Association, that in recent years the Section of Taxation alone has justified the existence of the Association and its support by the American lawyer.

Many of you have belonged, for many years as I have, to the Insurance Law Section. I do not see how any lawyer who is engaged on either side of insurance litigation can afford not to belong to this section. Its annual reports and its annotations of standard policies alone are worth many times the cost of Association and section dues.

The annual report of the Section of Public Utility Law, prepared by committee members throughout the country and covering statutes, decisions, and regulations in that field, is invaluable to the public utility lawyer. A former chairman of this section told me recently that if the section had to pay for the services in preparing this report, the cost would be at least $50,000.

The Section of Corporation, Banking and Business Law has six divisions, with twenty-six committees, all engaged in one or more constructive activities for the lawyer in this field, and surely that includes most of us. Let me mention just one service to the bar during the current year by one committee of this section—the Committee on Bankruptcy. Four bills were introduced in the United States Senate which provide, among other things, for salaried lawyers for receivers and trustees in bankruptcy. After careful study this committee obtained authority from the section and Board of Governors to oppose these bills. The May *Journal* contains a detailed statement from the chairman of this committee.

These examples are merely illustrative of the constructive service to the profession and the practicing lawyer of the various sections of the Association in their specialized fields.

A short time ago a lawyer in my home state, who is not a member of the American Bar Association, made a rather substantial contribution to the American Bar Foundation for the new Bar Center. He seemed to be a good prospect for membership. His reply to my suggestion that he join the Association was this: "I think the American Bar Association is doing a fine job and I am willing to contribute to it financially, but I don't have the time and opportunity to participate in its program and do not feel accordingly that I should be a member."

Perhaps there are others who share this viewpoint. It seems to me it is shortsighted, and that if a lawyer is genuinely interested, as that man is, in the advancement of his profession, he should belong to the American Bar Association, as well as his state and local associations.

I know something about that lawyer's practice. Fram a purely selfish standpoint, the benefits of membership in the Sections of Taxation, Real Property, Probate and Trust Law, and Mineral Law would repay him many times each year the cost of Association and of section dues.

I know also that he would find stimulation in the articles in the *Journal* and other publications of the Association. Above all, I know that he is a civic minded and public spirited citizen, and would derive satisfaction from the knowledge that through his dues and support he is participating in the program for the preservation of representative government, the improvement of the administration of justice, the maintenance of high standards of legal education and professional tactics, and the promotion of facilities for furnishing legal services to all citizens at a cost within their menas.

True, we cannot all attend the annual meetings. Even with the largest attendance in the history of the Association, less than ten per cent of the members attended the Diamond Jubilee Meeting in Boston. Through the program of regional meetings, many more can participate personally in the Association's activities. Yet, with both annual and regional meetings, the number participating directly is relatively small. But we can all participate indirectly through our membership—in the payment of dues and moral support, in the comprehensive program of activities, and in the attainment of the great public objectives of the Association to join with us in this important work for our profession.

With the new Bar Center providing adequate physical facilities, with the Survey providing factual data as the basis for an expanded and more effective program, and with an increased membership, the entire organized Bar, the American Bar Association and state and local bar associations, working together, can render more effective service both for the profession and the public.

Mr. William H. Beck, Jr., Editor of the *Mississippi Law Journal*, presented the Report of the Editorial Board and the Report of the Law Journal Committee. After motion and second this report was adopted by the convention.

At this time Mr. Charles Snow, immediate past President of the Mississippi State Bar, introduced Mr. W. D. Masterson, Jr., who gave the following address:

THE OIL AND GAS LEASE

*W. D. Masterson, Jr.**

I was tempted today to talk about your pioneering decisions, which are now coming down on the matter of forced pooling under broad enabling legislation in which correlative rights are being held adjustable. Your court is laying down rules on how they should be adjusted and is deemphasizing the old law of capture. Your court is doing an excellent job of pioneering. You know there are two schools of thought on that subject. I am in complete agreement with the trend the Mississippi court is taking; and I must admit in that respect that you are out-pioneering

*Professor of Law, Southern Methodist University.

Texas on that particular subject. Sooner or later we will all fall in line behind you, I think.

However, for the purposes of this institute, I tried to pick a subject that would have some attraction to everybody. Of course, there are several important instruments—mineral deed, royalty deed, and the deed which is not a mineral deed, not a royalty deed, but something in between where executory powers are created—but more than anything else, the oil and gas lease is the basic instrument in the practice of oil and gas law. It is for that reason I chose to speak on this subject.

Of course, the first thing we want to know about an oil and gas lease is who is to execute it. That is, you know, a snap. It is the one that owns the right to execute it who has to execute it—but, that is another subject.

Next, you might wonder why the oil and gas lease is on such a small form—just one sheet of paper. That is applied psychology. Oil men learned years ago that land owners would sign a one page lease, but that if it was two pages—or worse yet, four pages—people were reluctant to sign it. So, as time goes on, the print in oil and gas leases becomes finer but stays on one page. There is nothing crooked about that. I mean the oil companies, who are usually the ones in the seat of control determing what the law is, would say it would be all right with them to have a lot more print, but they first have to get around this psychological fact. It is all right with them for the lessor to know what he is signing; in fact, they want him to know what he is signing, but they have to keep it on one page because of this custom. On top of that, another custom came into existence many years ago. Lessors and lessees were both having difficulty in arriving at a lease form suitable to both of them, and lessees were having trouble with court decisions striking down provisions holding what lessee thought to be convenient limitations. So a group of specialists in the field got together, worked out a form which they thought was fair to lessor and lessee. They took that form to a printing company in Tulsa, Oklahoma, and asked that printing company if they would print that form of lease and offer for sale to the public. It so happened under that printing company's filing system, that the next number up was 88, so that printing company printed a lease called "Producer 88." If you took that "Producers 88" and compared it with the modern "88," you would not see any reasonable resemblance, but the word spread among the people in the Southwest, "If it is an '88,' it is all right." So whatever you put in a lease, you always put up in your left-hand corner, "Producers 88," most times. Usually you see "Standard Form" over on the right-hand side. Neither of which means a thing.

And, let me warn you again--if a client comes in your office and says, "I don't want to take your time," of course that means, "I don't want you to charge me a fee." Then he will ask, "it says up here 'Producer's 88,' is it all right if I sign it?" All you can say is, "I don't know. I will have to read it before I can tell you." Even if it has Alabama-Mississippi 614, printed in U. S. A., that does not mean it is the same as another printed form, or has the same identical language on it. The fact it is printed does not excuse you at all from examining carefully every provision of that lease, depending on who your client is, from the standpoint of a lessor or lessee.

Let's discuss several little quick points that have caused lawyers trouble in the past, before getting into the outline proper. You will notice that right after the blank for the description is a provision which picks up land ajoining this land. This provision is much milder than the Mother Hubbard clause, an all inclusive clause. This provision picks up land under unrecorded deeds. Most pick up whole surveys. In other words, you can have a section of survey described, less description, and by this little simple thing pick up another whole section or survey. So it is important, if your client intends to lease only a small portion of land, other land adjacent or contiguous or near that land, it is important that you consider the possibility of striking that Mother Hubbard clause.

Another thing that sometimes causes trouble is relying on an abstract of oil and gas lease; that is, you order an abstract of this simple one page instrument, which would be approximately 22 pages. In writing your title opinion to analyze your oil and gas lease, there might be some little thing stricken out by the parties, and it would be very difficult for you to find it if you are just reading the copy in the abstract itself.

For example, one major company had this happen to it. Most leases provide for one-eighth royalties. You must suppose a man executes his interest, only one-eighth. You still going to pay the full one-eighth? One reason, you don't know the contents later on of the partial ownership clause, which says if he owns less than the whole, the amount paid him should be cut down proportionately. Right after the Illinois field came in—a lawyer made the mistake of relying on an abstract. He didn't notice that the lessor, who owned a very small interest, talked the land man into striking that. He wanted the full one-eighth. It went to the Supreme Court of Illinois, and he was entitled to it. The Oil Company itself had struck the partial ownership clause. This is a must clause. You want to be sure, in dealing with a lease, that you require either the original or photostat of the oil and gas lease. If he had had a photostat of that, he would have noticed that scratched through on the form right away.

Now to the outline of an analysis and comparison of terminal provisions and covenants in an oil and gas lease. I am not attempting to cover all provisions of an oil and gas lease, but rather two broad sets of provisions which go to make up the modern lease form. One set includes the terminal provisions. You notice under sub-division "A," the difference, and the importance thereof, between a terminal provision (conditional limitation) and a covenant. It does not make any difference what word you use. The point is, we are talking about a provision which says that if a certain thing happens, nobody has to do anything; the lease is automatically terminated. Often, in law, you say "conditional limitation." As I say, the wording is not important, as long as you know what you mean. In this event, the point is, it is the end of the lease by its own terms, without anybody doing anything. If it does, you are dealing with a terminal provision; if you want to call it "conditional limitation," all right.

On the other side is the covenant; the lease has certain covenants, sometimes expressed, sometimes implied, sometimes both. The big difference is, if a covenant is breached, the lease does not automatically

terminate. It is true, for a breach, the lessee might very well be liable for damages, or in extreme cases, cancellation; of the alternative decree, which is becoming more popular all the time. If the court finds the lessee has breached a covenant, it will give the lessee a certain length of time in which to start complying, or to submit to cancellation; and, if damage occurred in the meantime, there will also be a judgment for damage. The point is, if a covenant be invoked, it takes a lawsuit to cancel the lease; whereas, if it is a terminal provision, all you need to do is clear your title. The only purpose of your lawsuit is to show you have title.

Mr. Summers pointed out quite forcibly at the Oil and Gas Institute, in Dallas last January, that so many lawyers in their pleadings, plead erroneously, and sue on the ground that when delay rental was not paid before primary term, it ended the lease. The idea is, you are not suing for cancellation. There is nothing to cancel. The suit should be for title. Fortunately, that has not resulted in too much trouble. The court goes ahead and cancels. Actually, what the court is doing, is saying that the lease has already been terminated; we are clearing your title.

Let's see what the usual terminal provisions are in an oil and gas lease. First, primary term and habendum clause. Let us construe it completely apart from the other parts of the lease. First, if that is all we had as to how long the lease lasts, where would we be? Obviously, the lessee could hold ten years without doing anything. You might wonder why in the world the lessee, who is in the driver's seat, ever added something else which could end his lease before ten years. The answer is, because the court started reading into oil and gas leases, as an implied terminal provision, that you have a term during which the lessee does not have to do anything. Both parties, when they sign the lease, assume that the lessee is going to go on there and try to find some oil.

So, they hide behind a term, because it is very distasteful to lessee. Every time he waited a month, two months, title abandoned—he didn't know whether abandoned by "12 good men and true." Of course, in states where you don't have a jury on equitable matters, it would be up to the chancellor. Still, title would be clouded. It was because of this, that delay rental provision was put in. Later, they added to this term of ten years, "as long thereafter as production continues."

Let us go on then to the necessity not of actual production before the term ends. Some leases say, "As long thereafter as operations, as hereinafter defined, are conducted." You won't find that in many of these; you will find the equivalent. Most printed lease forms say, "as long thereafter as oil, gas and other mineral is produced." What do you mean by "produced?" Suppose, at the end of your primary term—I shall assume from now on out we have ten year primary term—you have a well capable of producing large quantities, but not producing because you don't have a market. That, of course, is more usually true of gas wells than oil wells. Usually you have to have pipe line before you can produce gas. Sometimes that takes years.

Several other hypotheses: suppose you don't have well complete, but one drilling, at end of primary. Is that producing? What do you mean by the word "producing?" The rule usually applied says what the defi-

nition says itself: that means oil and gas taken from the well, taken somewhere else, either marketed or storage. All right, producing then means actually producing from the well, as distinguished from ability to produce. That is very important.

You will be surprised how many oil men, who have been in the business for years, say, "Don't tell me; I know what producing means. If I have a well that will produce, it is a producing well." But, in *Watson v. Rochmill,*[1] look what the court says. It is not enough that it will produce, for holding onto your habendum clause, you must have production. To show the court's opinion completely on that, if there is a situation to let a little equity in, maybe the Court will let equity in and say, as in the *Guleke* case[2] that we will imply reasonable time to market. The point is, you never know when the court is going to let that little equity slip in.

I talked to a group of combination lawyers and land men recently. I was introduced by a land man. He said that his objection to lawyers was, that if two people had adverse claims, or three or four people, all of them claiming their money, he said you go to a lawyer and ask him who to pay, he says, "Pay them all." I don't have to go to a lawyer to know that—I can pay them—I want him to tell me which one to pay. He said he hoped I would straighten that out. After that introduction, I said he failed to take into account, practicing oil and gas law, we have two different languages. One is, "before lawsuit talk" or "title examination talk", and the other is "lawsuit talk." Now, with these large values and potentially large values involved, if we are not in the court room yet, we do our best to stay out, and we are in favor of buying insurance in the form of over-payments. We tell our clients, you pay to each. When we get in the court room we start talking another language; we will try to win for you. What we try to do, is stay out of court. The only safe thing to tell your client is, get that well producing, if he is the lessee. Maybe you can win a lawsuit, let's not worry about it. If you can get it producing, and in paying quantities, then we won't go to a court and we won't have to have this delicate question of what producing means decided, because it will clearly be producing. So, from the lawsuit standpoint, you have something less than actual production; but, from the safe standpoint—before the lawsuit point—you have to take the position that it must be actual production—if representing lessee, of course.

The necessity of production being in paying quantities is also important. There is a split authority in the states on this. As far as I know, there is no Mississippi case on it. That does not mean there is not one; I just don't know of one. The majority view is, even though the habendum clause of the lease says—producing, the courts imply "in paying quantities," because the courts reason that certainly the lessor did not intend that the lessee could hold the lease for speculative purposes. Actually, what the court wants to find out, is if the lessee is holding for speculative purposes, and the court will lean over to find "in paying quantities." Every lease form should fairly cancel that out, by putting in the habendum clause of the lease "as long thereafter as oil, gas and other

[1]137 Tex. 565, 155 S.W.2d 783 (1941).

[2]Guleke v. Humbel Oil & Refining Company, 126 S.W.2d 38 (Tex. Civ. App. 1939).

mineral is produced, whether or not in paying quantities." I think that is not at all unfair to the lessor. I think if we leave out "in paying quantities," that will usually be unfair to the lessee. So many times that close question would be a fact question, and if the lessee is holding for speculation, he can find other grounds of liability.

I know when I prepared a lease for an oil company several years ago, I put in the habendum clause "whether or not in paying quantities." The oil company was very concerned and didn't know whether they could get anybody to sign it. Of course, I had "88" in the top corner. When I went to North Dakota on the ABA continued education program, I immediately asked to see a North Dakota lease. Here was "88" on the corner, all the way from Tulsa, Oklahoma, years ago. Experience showed, not one time did anybody ever worry about "whether or not in paying quantities." Of course, most never read it, after they read the "88." They went ahead and signed it.

What is the effect upon primary term of drilling or producing during the primary term? Suppose you have a ten year term and during the first year you drill a dry hole. What happens? Do you still have the rest of your term? Can you go ahead and forget it? No, if it has the habendum clause only, unless we put something else in the lease. If you go in and drill, then go home; you are in as bad shape as if you never did anything at all, as we shall see later, unless you do something to delay the rental clause.

Go back to the delay rental clause. It does not obligate the lessee to pay delay rentals, but it says, "if operations are not commenced on said land on or before the first anniversary date hereof, this lease shall terminate as to both parties, unless lessee on or before said date shall pay or tender to lessor or to lessor's credit." That is terminal in that the lessee does not have to pay rental; but, if he does not pay it, then the lease is automatically dead. That provision was put in to avoid these holdings on abandonment. In its original form, it wasn't "Unless," it was in the "or" form—that lessee agrees to drill *or* pay delay rental within one year.

The trouble there was, the courts held that the "or" form gave the lessor an option he could cancel if the lesse didn't pay, or he could elect to sue for the amount of rental. The lessees just caught it either way. The lessor was in the driver's seat completely. Lessees changed from the "or" to the "unless." I often think perhaps the lessee made a bad move there, when you read all the decisions in which leases have been lost through erroneous delay of rental payments or delay, with the lessee doing his best to pay them. You wonder why the lessee does that to himself, why he puts that terminal provision in, why he doesn't go back to the "or" form. The answer is, we haven't gotten around to it yet. Two major companies in the last year went back to the "or," changing from terminal to covenant.

Say he wants to get rid of a lease. Every lease has a cancellation provision in it. The cancellation provision had an interesting history. The lessee put provisions in with his "or." He provided he could cancel any time he wanted. The courts came along and said there is no such thing as a unilateral provision to cancel. If you could cancel, so could the lessor. So the lessees took that cancellation provision out of the lease,

left "or" in. Then the court said that you are liable if lessor wants you to be. The lessee says, what to do now I can't put this cancellation in, there is no such thing as unilateral option; go to "unless."

Later on, those cases were clearly wrong. They were following English cases, overruled in England years ago. Of course there is such a thing as unilateral option. Then the surrender clause, giving the lessee right to surrender whole or part, came back into the lease. It is still in a period of evolution. I predict, with confidence, it will go back to the "or." Until we do, it is very important for you to watch that "unless" there. Now, as I say, if no well is drilled at all, at least if you pay your rental correctly and on time, you are all right.

What about the necessity or not that the well be drilled by the lessee—still under the habendum clause. Ordinarily, the habendum clause does not say, "as long thereafter as oil, gas, and other minerals are produced by lessee." Sometimes it does. In the *Earp* case,[3] it was held that production by someone else would not meet the habendum clause. However, all lessees usually use the modern forms, which usually say, as long thereafter as production continues, except to say generally, any production on that lease which started before primary term ended would continue lease in effect. I say that as my opinion. I think Mr. Walker—who is certainly an authority on this proposition—speculates otherwise what the court would hold. So there, again, that is just one of the many points which is not well settled. And as long thereafter as oil, gas and other mineral is produced. Produced by whom? From the standpoint of a lawyer for the lessee, tell him to be sure he is the one producing. If the lessee wants somebody to come in as sub-lessee or assignee of partial interest, lessee, if he sees his problem, can very easily take care of it by obligating himself to pay some part of the expense of drilling, so it is his well partly. It may be his only partially, but it is enough to satisfy the habendum clause.

You notice I am trying to lay stress on the alternative language. That is what any lawyer with oil and gas language should do. If at all possible, keep your client out of the court house on an oil and gas matter.

Consider the delay rental provision. I have already mentioned the reason for its presence—to void abandonment. Bonus is the down payment at the time lease is given. Bonuses, then, are entirely different from delay rental in that bonuses are not terminal provisions. Royalties, except shut-in royalties, in the sense of payments for production, covered by royalty provisions in oil and gas lease, are not terminal provisions.

It is very important that you see to it that delay rentals are timely, and correctly made. Some leases authorize joint deposit to several people entitled to delay rentals. Most printed lease forms don't do that. You have to look at your lease form to see how to make the payment. I can tell you generally, under most lease forms, these two things are true: if several owners have a fractional interest, join in. By so doing, it forces you to make a check payable to them jointly and it will require the signatures of all to be withdrawn. In any other instance, where you have a lease on one fractional interest from another person or where ownership changed after the lease was executed and the original owner exe-

[3]Earp v. Mid-Continent Petroleum Company, 167 Okla. 86, 27 P.2d 855 (1933).

cuted mineral deeds to various persons, it is essential to correct payment. When you send the amount to the bank you must instruct the bank how much to deposit to the credit of each pearson. A mistake in instructing the bank how much to deposit to the credit of each person could be fatal.

We could spend days talking about the delay rental provision, and how to comply with it. All I have time to do is warn you that you are looking over an important provision when looking at the delay rental provision. That is where your heart skips a beat now and then, when you are examining title to property. You know delay rentals are going to be paid on the basis of your title opinion. I plead guilty, and I am sure some of you do, to forgetting some of our elementary arithemetic. I think, Mr. Jameson, in this continued education it would do us some good to have some elementary arithmetic. It is difficult, and becoming more and more important in oil and gas, and other fields, that we know how to do arithmetic. A mistake can be fatal.

Here is a situation also where you buy a little interest. Sometimes your ownership is such that you can't come out even, you have a little fraction over. There may be only point two over point eight. You say, "I will just apply that old principle, scratch two out, give it to eight." There goes your lease. If it does not come out even, make every payment-as much as two cents or twenty or thirty dollars. If you can, get a stipulation as to how to pay; otherwise it will cost you a lot more in the court room than it will to pay ten or fifteen dollars insurance. You take your choice. Usually your client says, go ahead and pay the ten or fifteen dollars.

To emphasize the importance of making a mistake in making payment, you could list numerous cases from jurisdictions all over this country; It is a correct statement to make, whether you agree with it or not, that there is no such thing as a court of equity to help you if you lose a lease under a terminal provision, unless the lessor is some way at fault. In other words, you can have all the good excuses you want. There are cases where the clerk was new and didn't know how to interpret the records, and where this file someway at the time he got it belonged to another, or they thought the royalty schedule governed, whereas the executive rights schedule should have governed payment. Unless you can get the lessor some way at fault, there is no such thing as relief in equity, where a lease terminates under a terminal provision. When the terminal provision affects title, it is not a question of relief against forfeiture. There is no forfeiture; the lease is automatically terminated. As you read the decisions, you get the definite impression: Mr. Lessee, you made this form, why get yourself in this shape? Now you make a mistake and come ask us. There is a good question. It indicates some re-writes are not only in order, but taking place. That is one thing.

We talk about royalties based on production. Those are covenants, as distinguished from a shut-in royalty provision, which is a terminal provision. If you don't pay shut-in royalty while your instrument is in effect, there goes your lease. You see, it is just as simple as this. Why pay this payment where your well is shut in? You don't have production; the well is shut in, don't have a market. By virtue of what authority can you keep your lease in effect? By paying some money by virtue of the lease. If you let the lease die, all those provisions die. That is the hold-

ing in *Freem v. Magnolia.*[4] The shut-in found its way into the modern lease forms to cover primarily gas wells, where at the end of the primary term the well was capable of producing gas in large quantities, but there was no market. The shut-in in modern forms has been extended to include gas, gas distillate and other refinable substance. The point is, I want to emphasize there. And you will find a very interesting discussion of both it, and several related matters, in *Freeman v. Magnolia, supra.* Also, on the question of who is entitled to shut-ins between the royalty owner and delay rentals, if you go to the lawsuit stage, one person is entitled to bonus and delay rentals, the other to shut-ins. That is the amount paid not because of production, but because not production.

Briefly, now, let's compare these terminal provisions. The big terminal provisions are the primary term with the habendum clause and delay rental provisions as modified by the dry hole clause, which now has been broadened to include situations where production ceases, or in some instances never been production. You must always look at the language. The fact that it is printed does not mean a thing.

Now, when you come to covenants, a branch of covenant does not automatically terminate the lease, but simply results in possible liability. It is simply a question of relief and to whom entitled. Up to recent times, there was nothing said in printed lease forms about what the lessee had to do developing land, drilling wells as a reasonable and prudent operator would. There was nothing said specifically about off-setting—that is, drilling a well on adjoining property and draining is to that property. But, in modern lease forms, you find frequently a definition of covenant to reasonably develop—that is, drilling those wells which a reasonable and prudent operator would and developing as would a reasonable and prudent operator.

You have a very important and very recent case in your state which has reached your Supreme Court for the second time, *Millette v. Phillips Petroleum Co.*[5] referred to here under covenants. I am not going to try to analyze that case. I am going to say that it, to me, is a trend away from the documentary holdings that if the parties define their covenants, that is it—there is no room to imply anything. The trend, as I got it from this case—although you may disagree on the construction—is in favor of one broad reasonable covenant, and that is a covenant to do everything a reasonable and prudent operator would do. If there is some clash between the specific covenant set out in this much broader covenant to do everything a reasonable and prudent operator would do, then that broader covenant controls. That is as it should be. However, as I say, some cases have held that you specifically define these covenants. That is a thing to watch from the standpoint of the lessor in determining whether he should execute or give a lease.

One big provision of the modern lease forms I have intentionally omitted. It is too broad to cover along with others. That is the pooling provision, giving the owner the right to join with your unit other land. Most leases have that. It is not so important in a state where you are applying compulsory unitization increasingly. However, it is important, when representing the lessor, whether or not to recommend to him a

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[4]141 Tex. 274, 171 S.W.2d 339 (1943).

[5]Phillips Petr. Co. v. Millette ... M ..., 72 So.2d 176

lease with pooling provision. And there is a big question that is presented today in the cases and that must be answered. Once a unit is created you sometimes have hundreds and hundreds of owners. If a trespasser comes in, executes that instrument, and the true owner wants to come in and sue, does he have to sue everybody the trespasser said had an interest in the land? I spoke on that subject recently, and said I intentionally was going to refrain from referring to cases, because my recommendations were in direct conflict with what the cases were saying so far as trespassing. Again, for all practical purposes, if you found the true owner, by bringing numerous persons in under the pooling agreement, you couldn't prove the wrong-doer a trespasser without spending more money than title is worth. That is one of the main points, not the only point, of course. There are numerous important points to consider in determining whether to advise your lessor client to sign a lease with pooling provision. Remember always, you caan execute pooling agreement later on.

Ladies and gentlemen, as I said, it has been a pleasure, and I certainly do appreciate the fine attention you have given me. Thank you very much.

SATURDAY, JUNE 19, 9:00 A. M.

After the meeting was called to order by President Hafter, Mr. Lampkin Butts of Laurel, the President of the Junior Bar Section, presented the report of the Junior Bar Section. This report was adopted by the convention.

Mr. Erskine Wells of Jackson then presented the report of the Public Relations Committee, which report was adopted unanimously.

The report on the Judicial Conference, presented by Mr. Ben F. Cameron of Meridian, was apoted unanimously.

Mr. Robert E. Perry of Jackson presented the report from the Complaint Commissioner. After a discussion of the suggestion that serious consideration be given to the revision of the by laws relative to procedure of the Complaint Commissioner, the report was adopted unanimously.

At the request of President Hafter, Mr. George F. Woodliff of Jackson introduced Mr. James Dempsey of White Plains, New York, who delivered the following address:

DEFENSE TECHNIQUE

James Dempsey*

In this world of ours there are, indeed, some problems which seem almost insoluble, one of which is the predicament in which defense attorneys find themselves as they go into our courts throughout the nation. There has been such a tremendous wave of recovery in such astronomical amounts by the plaintiffs that the task of the defense counsel at times seems almost impossible. Whether that be due to the socialistic tendencies which seem to be so prevalent, whether that be due to the devaluation of the currency or whether that be due to a new concept that seems to permeate the jury alone, the fact remains that today it is ex-

*Attorney at Law, White Plains, N. Y.

ceedingly difficult, if not almost hazardous, for a lawyer to attempt to defend a litigant in a negligence case. The general feeling of defense counsel in recent years has been, first, a feeling of irritation at the manifest trend, then the feeling of aggravation at the inflated amounts of the verdicts rendered and finally a rapidly approaching era of complete frustration. However, the fact remains that eventually we are coming, I believe, to that point in the cycle when the wheel must inevitably turn. The amounts have gone to such enormous figures that there has to be a leveling influence.

Occasionally the plaintiff's attorneys and the defendant's attorneys lock forces. We have just had that experience in the State of New York; we were threatened in the last session of the legislature with what seemed like an enactment of compulsory insurance legislation there. It was in the program of the Governor and was one of the main bits of legislation that did not succeed. But in that instance the Bar Association of New York and all the subordinate Associations throughout the state felt that compulsory insurance was not the answer; the attorneys, whether on the plaintiff's side of the ledger or the defendant's side or both, were unanimous in their opposition to that legislation. The Bar Association of the State of New York sent a delegation to the legislature to oppose it and they were, to some extent, successful—for the time being at least. Whether compulsory insurance will be enacted eventually is something, of course, which we cannot say.

There has been, as you know, a trend toward greater latitude and greater leeway, with respect to the legislation insofar as it affects this portion of the law, which incidentally consumes eighty-five percent of the time of our courts. Five states have comparative negligence: Nebraska, Wisconsin, Georgia, South Dakota and your own state of Mississippi. In fact, I think that your state has the only complete comparative negligence law. I am informed that your statute[1] creates a situation in which it is theoretically possible or actually possible for a man to have been ninety-five percent negligent and still obtain a recovery in your state in a negligence action. This is particularly true since all questions, as I understand it, are questions of fact for your juries and you do not have any special verdicts in your provisions of the Code.

A defense counsel might be presented with three different classifications of cases as he goes into the trial of a law suit. First, there is the case where there is little liability or no liability. The insurance companies, as you are well aware, have, to some degree, encouraged that kind of litigation and have fostered the interposition of spurious claims by placing a rather large valuation on what used to be called nuisance. It has become almost accepted doctrine that any claim, however meritless or however worthless, is entitled to some reward. Whether it means the payment of trial or claim expense, something should be paid; no longer is the old principle of "millions for defense and not one cent for tribute" applicable to the field of negligence law. I, for one, believe that if the insurance companies took a different stand where they have spurious or worthless claims, perhaps they might discourage the multiplicity of law suits which now clog our calendars. So we have a claim of little or no liability, whether it be on the law or the facts, or both, and the task of the defense lawyer seems to be quite certainly a difficult one.

Second is the case where you have almost certain liability, where,

undoubtedly the plaintiffs who are injured are entitled to receive some kind of recovery. It is not always possible to settle that claim. The loss clearly indicates that the plaintiff should obtain some redress, but there may be issues of coverage or concurrent negligence present. Furthermore, the demand of the plaintiff may be so far in excess of the actual value of the case that you have no choice but to defend that action to the hilt.

It may be interesting at this point to observe that out of the eight or nine thousand cases disposed of annually in the City of New York a shade less than nine percent ever get to the jury for its verdict. In the course of the pre-trial negotiations or in the course of trial before a jury gets the facts for determination, over ninety-one percent of the cases are disposed of! I believe that where you have cases of certain types of liability the attitude which is generally employed by a defendant is to try to dispose of those cases amicably, if such can be done.

There is a third type of law suit confronting defense counsel which might be termed the ambivalent or the equivocal case about which you frankly don't know and despite whatever research you might have done you can't find the answer. It is a case you can win or lose and that is the kind of law suit, with all its potentialities, that lawyers on both sides enjoy trying. The answer is one that is finally written in the drama of the court.

Whether or not your case is in any one of those three categories, in the progress of the defense counsel there is no substitute whatsoever for adequate preparation for the trial. There are lawyers, as you know, who can respond to very little trial preparation; they can meet the exigencies of a trial on the spot by very quick and brilliant thinking. But a lawyer who prepares his case in advance has a tremendous advantage over his adversary.

You and I know many lawyers who would look with disdain at the preparation of direct examination and cross examination, feeling that that procedure is something for the inexperienced novitiate. Yet one of the most outstanding lawyers in our country, Mr. Theodore Kendall, a partner of the renowned John W. Davis, places in a loose leaf notebook an outline of the procedure he intends to follow in the examination of the witnesses. It is well, too, not only to prepare the cross-examination but to prepare the direct examination. Sometimes a witness may not give the answer that you wanted him to give. He may tell you something which is contrary to what you had expected. A witness believes that he is to tell a story. He doesn't understand, in the unfamiliar atmosphere of the courtroom, that he is simply there to answer questions responsively. Before you go into court it is advisable to talk to every witness, go over the testimony with him, ask him the questions you intend to ask him in the courtroom, and familiarize him with the trial procedure in order to avoid being unduly surprised by something he might say.

In the scientific avenues now available to us a defense attorney has many strings to his bow that the lawyers at the end of the last century or the turn of this one did not have. Surveys, photographs, X-rays, neurological reports and hospital reports very often hold the key to the questions that are the subject of the litigation. You may find, tucked away in some unexpected place, something which will prove of tremendous advantage to you. Through the reports and the research data that you have in advance of the trials or that you may discover as the trial

progresses you may be able to unearth data which will prove to be most effective.

I want to discuss with you a minute the use of motion pictures in trial work. It is becoming more common, as you know, to drop a screen into the courtroom to emphasize a particular point. The telescopic lens of today can pick up activities of so-called injured claimants when they little suspect that they are under surveillance. Not long ago there was an interesting case in which the defense attorney showed pictures of the supposedly injured claimant taking a boat trip, going to Coney Island and doing all sorts of things which an injured person could not do. The plaintiff's lawyers, however, was equal to the situation and cross examined the photographer on the subject of trick photography. By clever questioning, he managed to obtain from the photographer an admission that the pictures in question could have been produced by trick photography. Incidentally, in this case the court allowed the jurors to examine the soles of the young lady's feet in an effort to determine whether or not she had walked from the time of the occurence until the time of the trial. Verdict was for the plaintiff.

Second only to the preparation of the trial is the selection of a jury. In my opinion that is the most important portion of the trial. Twelve men and women who may have never seen the lawyer and, in all probability have never seen the litigant and who know nothing about the issues, are to be the important human components in determining justice in the trial of the case; the jurors undoubtedly hold the trump card.

There are lawyers who say, "Well, just take the first twelve jurors that come in the jury box. Chances are that they are as good as any that you will acquire." I, for one, do not subscribe to that theory. There are some people with whom we are quite at ease and there are some with whom we are not so much at ease. There are some people with whom we can talk and some people to whom we are attracted, but there are others toward whom we feel differently. In the selection of a jury I am reminded of a statement attributed to Mark Twain. When he was studying German he said, "German is a language of exceptions and the exception to the exceptions is the rule." So, when I make any suggestion at all about the selection of a jury, bear in mind, please, that nothing is axiomatic. There are always exceptions and in the selection of the jury the exception to the exception is the rule.

One of the things of interest in the selection of the jury is what is sometimes referred to as the "Rule of Opposites." Psychiatrists almost uniformly agree that a person often looks and acts in a manner almost exactly contrary to his underlying nature. You may well recall the man who sent the telegram to his psychiatrist saying, "Doctor, I feel very well and happy today. What is the matter with me?" And you sometimes find that in the jury the wealthy man, the capitalist, the broker, the aristocratic man of means usually is an ideal defendant's juror. On the other hand, the laborer, the man who is on relief, the down and outer, is usually a very good plaintiff's juror. He gets a certain amount of pleasure out of bringing in a large, exorbitant verdict and his participation in that verdict gives him some real satisfaction, in that he, himself, would like to receive a similar windfall. I found when I was in the District Attorney's office that the kindly, white haired, tender, elderly lady who, in all appearances would seem to be the one who would be

most sympathetic to a defendant's cause, is invariably a pillar of strength for the prosecution.

Following the rules of opposites, for instance, I know many prominent lawyers who make it a policy never to have on the jury a crippled person or a maimed person. You would think that the plaintiff would like to have someone who has some infirmity, but that is not true. The maimed or crippled person, in all probability, has not received substantial sums. You so often find that crippled, maimed individuals will not be strong plaintiff's jurors; in fact, they might even be strong defendant's jurors.

The greater the wealth or the higher the status in life, the more one is inclined to be conservative. Liberality with the money of others is far more frequent with the have-nots. You will find, too, that people who delve in figures—accountants, book-keepers, and statisticians—are invariably good defendant's jurors. Why? Because they get down to financial minutia when dealing with figures. It inclines them more to addition and subtraction than to multiplication.

Retired police officers, justices of the peace, whether or not they are members of the Bar, and wives of attorneys usually make good defendant's jurors. Anyone with a smattering of a legal education is usually a good defendant's juror.

One's vocation shapes his life and it is advisable when you are selecting a jury to try to hear the sound of a man's voice, try to detect the accent, if any, and try to find the timber behind his tone. Also try to find out what his life pursuit is and what his life effort has been. The employees of large corporations fall into two divisions. The executives, the members of the board of directors, and those in the claim department would be good defendant's jurors. Employees in subordinate positions would be good plaintiff's jurors.

You can't overlook the appearance of the clothing and the demeanor of the juror. You might be able to tell by the cut of a man's jaw, by the glance of his eye, by the style of his suit, whether he would make a good defendant's juror. Bear in mind, of course, the fact that a plaintiff has to get a unanimous verdict, or nearly unanimous, whereas a defendant only has to get a few jurors on his side.

So if a defense counsel has a juror who will swim against the tide, an individualist who might wear a bow tie or a red tie or wear a Queen Mary hat——somebody who just doesn't care what the style or fashion may be, but will stand out for his own belief and conviction——that individual will invariably be a good juror for the defense.

Women, as you know, are exceedingly more severe on other women than on men. The powdered, painted or perfumed woman would be far better off before a jury of men than before a jury of her lady peers. I know there are people who say that women as jurors are not quite as generous or as liberal in their awards as are men. They base their reasoning on the premise that most women operate on a budget. They have to count their pennies. They will walk blocks to save a few cents, whereas to men pennies and small sums are trivial. You will find frequently that this difference in outlook holds very true.

I recall a case where a lady claimed an aggravation of a thyroid condition, which resulted in a scar from ear to ear. There were quite a few

ladies on the jury. The jury brought in a rather small verdict for the plaintiff. After the trial the defense counsel asked one of the ladies why the verdict was so small. She replied that any woman would prefer to have the scar than the goiter. That is a woman's view---a viewpoint that would not occur to a man.

While I appreciate the fact that in no state are you allowed to go into a person's racial, religious or national background, in the selection of a jury you have to take those things into consideration. We are all the products of the blood of our forefathers, whether we appreciate it consciously, subconsciously or unconsciously. There are people who come from Scottish or Scandinavian background who, by reason of their ancestry, are extremely thrifty, not only with their own resources, but with the money of others. Then you find that there are people who, by their background, are inclined to liberality or generosity. For instance, people of a Latin background might be far heavier with the hand in the verdict than other people. You also find that people from the Near East cannot resist the attitude of bartering and bargaining whether they are in the jury room or not.

Furthermore, you cannot overlook the fact, regrettable though it may be in this enlightened twentieth century, that there have been despots and dictators in the world who have fanned the flames of prejudice. Sad as it may be, there are people who, for some reason or another, are inclined to be prejudiced against another group. Or you may find that people of some national background are more inclined to help those whose ancestors came from the same shores.

So I, for one, believe that you should select the jury with great care and great caution, in the hope that you will get twelve jurors with whom you can reason and to whom you can appeal.

Next we come to a consideration of the opening statement. There you begin to see the difference between the line of attack of the plaintiff and the defendant. The plaintiff's purpose is bullet-like; he has a single, direct, concise objective. The more he adheres to that objective, the more likely he is to succeed. A defendant's course is that of scattershot. The single, direct objective usually does not avail the defense. What he should do or try to do is to raise a multiplicity of issues and in the opening statement he should bring as many questions into focus as he expects to have presented to the jury in the course of the trial or at the conclusion. This does not mean that any attorney, plaintiff's or defendant's, should overstate his case. One of the great dangers is to put three witnesses on when you can get away with one or two. Whatever you do, don't make, in your opening statement, any extravagant assertions which you cannot substantiate by evidence. But the more you can cast on the waters, the more that you can create by way of diversification, the better for the defense.

In any event it is advisable always to open to the jury. A defendant who waives open without good reason loses a psychological opportunity before the jury. Even if he says no more than, "Please keep your minds open until you have heard both sides of the law suit, until you have heard all the witnesses and until you have heard the charge of the court," it is an opportunity to state to the jury that there are two sides to the question and that they should not prejudge the case.

Sometimes the defense counsel must use long-range strategy. I recall a New York libel case in which the use of long range strategy was important to the defense. The outcome of the suit depended largely on the definition of a word. The defense counsel persisted in calling his opposing counsel by the term, "Judge." While the plaintiff's lawyer objected to the use of this terminology, the defense counsel continued to call him by that name throughout the trial. At the conclusion the defense counsel made his point that no matter how many times opposing counsel had been called "Judge," he was not a Judge and calling him one could not make him a Judge. By analogy, just because a certain word had been used by the plaintiff regarding the object of the controversy, that didn't mean that the terminology was correct and should be decisive of the controversy.

Now let's discuss summation briefly. When the time for summation comes, then for the first time the defendant's attorney is the aggressor. Throughout the entire trial the defense counsel has followed the plaintiff's attorney. The plaintiff's attorney opened first, questioned the jurors first, and presented his proof first; but at the time of the summation, when a lawyer has his first opportunity to impress his personality upon the jury, the defense has the first word. While you may think that the last word is valuable, and indeed it is, the first word can give a decided advantage, if well taken. There, for the first time, the lawyer can bring in logic, argument and innuendo; he is afforded great leeway. Plaintiffs appeal to passion; defendants appeal to reason. Plaintiffs appeal to emotion; defendants appeal to judgment. Plaintiffs appeal to the heart strings; defendants appeal to the common sense.

In summation you must be careful not to ask questions, whether rhetorical or otherwise. The reason is that if you ask the question in defense summation, the plaintiff may give an illogical, implausible answer in such a convincing manner that he may persuade one or more of the jurors. But you, as a defense attorney, must sit idly by. The question has been asked and the plaintiff has a right to answer it; but you can't outline to the jury the fallacy of the plaintiff's answer.

By the same means, if you employ demonstrative evidence, as frequently lawyers do, bear in mind that no matter how skillfully you manipulate your exhibits to show your version of the accident, the plaintiff's attorney can take those same exhibits and turn them around to completely destroy your theory and to establish his own. So be wary about asking questions in summation and about using demonstrative evidence unless you wish to have the bombshell burst right before you.

I conclude with these observations. The task of the defense attorney is herculean. In these times a waiter in the City of New York can get a verdict of four hundred thousand dollars, tax free, for injuries. It is not uncommon to bring in a verdict of two hundred and fifty thousand dollars for a brain injury or a hundred thousand dollars for an eye. But jurors are learning that high verdicts mean high premiums. They are learning that eventually they pay for those verdicts, just as a juror in a case against a municipality must inevitably realize that he, himself, pays a portion of his taxes for the profligacy of his verdict.

Jurors sitting in cases must realize that there must be some abatement of this ever-rising crescendo and some leveling of the waters with respect to the trend of the times. The defense attorney has been putting

up a great battle against overwhelming odds. It seems to me that we should endeavor not to let the courts go completely haywire; the appellate tribunals must, to some extent, hold the line so that the verdicts do not get out of hand, because every swing of the wheel has a counter reaction that may adversely affect lawyers and litigants alike.

At the request of President Hafter, Judge Tom P. Brady introduced the next speaker, Mr. Breed O. Mounger of Tylertown, Mississippi. Mr. Mounger gave the following address:

OBSERVATIONS ON THE COUNTRY LAWYER

Breed O. Mounger

You are probably wondering why I was given the honor of addressing you today. It is because I have had the unique experience of having gone through four periods of professional starvation in my life. The rest of these fellows just went through one. Consequently, it was conceded that I could speak from the bottom of the pile. Those four periods of professional starvation came: First, as yours did—when I first started practicing; second, when I came back from the service; thirds, came the period in between; and fourth, came the period that I am in right now.

I have watched the progress of this meeting for the last several days and it seems that if you are a country boy, you are qualified for something over in the Junior Bar Section. I even noticed over here the other day that they introduced the President of the American Bar Association and, with great pride, said he was a country boy from Billings, Montana. There are more people working in the post office in Billings than we have in all of Walthall County. Then they came along and introduced James Dempsey as a city boy. Well, there is some confusion somewhere. Other than myself, he is the only real country boy up here on the rostrum. You could take him down in Beat 3 in Justice of the Peace Court in Walthall County and put him there among about four acres of mustangs and three tons of cur dogs and he'd be just as much at home and just as welcome as a picnic lunch.

Incidently, I notice that he is a little confused. He is quite worried about the enormous verdicts that are being passed out against him. I think that Jim Dempsey has been on the wrong side all the time. I enjoyed very much the technicalities of defense that he presented to you, but there are two things that he left out—two little minor details. He covered everything that might influence verdicts except the witnesses and the juries. That probably would have some influence on the amount of verdicts and the accuracy of the rendition of those verdicts.

Of course, I'm completely impartial about the whole question. I'm not fixed in my method of practice, just like Judge Brady said. Of course, I do have my opinion about insurance lawyers. I'm glad that none of the members of my local bar are here but myself, because we practice law by ear. When we sue on an insurance policy in Walthall County, the single, simple issue is: Is or ain't there a policy? It is true that we practice law by ear in this ocuntry. Some fellow like Jim Dempsey comes down here to try a law suit in my county once every two or three years and we just use those same technicalities until he gets back or somebody else comes down and tosses in a new ball. We bat them around for two

or three terms of court until somebody shows up that's been reading and then we go at it again.

I'm going to say a word in defense of country lawyers. We are negligent, in a way, I suppose. We can't write as many letters as you fellows that have a big office force do; we don't develop a file like you do. But there is a reason for this situation. Have you ever wondered why I didn't answer your letters properly when you wrote me about something? I'll tell you why. Let's take Hinds County, for example. According to the latest census, there are 386 members of the Bar in Hinds County. You have 142,164 people in the County. Divide your 386 into the population of 142,164 and you have approximately 355½ people to worry each one of you lawyers in Hinds County. Now, down in the little rural community of Walthall County there are three lawyers—all of them darn good ones—and in that county there are 15,563 people. Divide that buch of worry warts by the three lawyers and you have 5,184 men, women and children to come in and bother you. In other words, in order for us to make three or four dollars a day—and I've done it many times—I have to see fifteen times as many people as do you lawyers in Hinds County.

Another thing that we have to do in the country is modify our law. You just can't take it pure and unadulterated and ram it down the people's throats. It's true we have a Supreme Court and I've heard lawyers say, "I don't care anything about a jury. I'm going to win my cases in the Supreme Court." Well, I always thought it is a good idea to try to beg off in both places. The average comes out better. We have to modify the law as we pass it out to the people there. Ultimately you go back to the people. I don't mean to say that any juror would be influenced by public opinion—no, that couldn't happen; I don't mean to say that any judge would—and I'm serious there—but the belief of the people is an infinite thing. The interest of people, though never spoken, is a thing that decides your lawsuits. It influences them very greatly.

I have noticed the tendency of the Supreme Court to forget all technicalities to reach an ultimate justice. By this I don't mean that they bow to public opinion. Who are these men that sift through technicalities and brush them aside? They are men; they are Christian men. Your rules of procedure go by the board every day and what the Christian man is thinking will ultimately be the law.

I have no bones to pick with technicality. I like it; I used to like it a lot more than I do now. I used to think it was smart to swing it around and I surely wish I could have heard Jim's speech about fifteen years ago. I would have made the boys at home sit up and take notice. But I know that the ultimate, infinite turn of justice is a thing that cannot be defined. Nor can it be embellished by any words of mine.

I had this fact brought forcibly to my mind the other day. I was in the Supreme Court for oral argument of a case involving an interest less than the fee. It was a small interest in one hundred and twenty eroded acres on which I wouldn't want to place a dollars and cents value. As I stood there just before arguing the case, some members of the Bar preceded me in another case. The first thing they said was that the case involved thirteen million dollars. And when they said that, I wanted to go home so badly that I didn't know what to do. There sat the Justice

of the Supreme Court, burdened with the issues involving thirteen million dollars. When I got up, they couldn't have imagined how small I felt. I just didn't want to mention my case; but I got up and argued it. The case involving the thirteen million dollars was decided accurately in about two and one half pages; my little one hundred and twenty acre problem occupied eight and one half pages. It showed me that the watch dog of justice is always present, regardless of size.

You know, when I file a suit to replevy a whitefaced bull in Walthall County, that involves the same thing as replevying an I. C. train. The same principles are involved. But in the local situation we are practicing law in a goldfish bowl. Maybe that would explain the fact that we do not inject the technicalities that we would if we were in an impersonal atmosphere.

Many years ago when I first started the practice of law, a judge was severely criticized, no matter who he was. It just happened to be a favorite sport to criticize the Supreme Court. Everywhere you went the lawyers criticized the members of the Bench. But I call upon you to think just how many years it has been since you have heard a Mississippi lawyer, an active practitioner, make a disrespectful or critical remark about any of our Bench, whether they are associated with the lower courts or the Supreme Court. Every lawyer has respect for his Circuit Judge, his Chancellor and his Supreme Court. That represents an elevation of the Bar. I doubt that the judges have gotten that much better. They have probably improved some, but it means to me that we are beginning to clean up inside. It means, as Judge Brady says, that in your youth you can sometimes be too desirous of winning without regard to the justice of the situation.

I leave this final thought with you. We can't say that the city lawyer is a technical lawyer, a smart lawyer and a book lawyer and that the country lawyer is a jury lawyer. That used to be true. Some of us country boys still practice by ear, but a lot of them don't. They have started reading and studying. The city lawyer, in his dignity and astuteness, cannot alone hold the light of respect that we want him to have. The Mississippi Bar is on the march, demanding respect. That respect will come only when each little shingle in every hamlet in the State of Mississippi is illuminated by the light of Christian character, high professional character and ethics with which the holder of that shingle illuminates it. That day is coming in Mississippi.

At the request of President Hafter, Mr. Quitman Ross introduced the next speaker, Mr. Adrian Palmquist of Oakland, California. Mr. Palmquist gave the following address:

AN INADEQUATE AWARD

*Adrian Palmquist**

Today I want to tell you a story which is true; I want to talk to you folks factually. I know that today this country represents one of the last bulwarks of the respect and dignity of the human individual as such. I know that this country represents one of the last places where the individual is at least paid some lip service to his rights under the law. And

*Attorney at Law, Oakland, California

I sometimes wonder if we, as lawyers, aren't standing by and watching in this one great, last bulwark, this last hope, this last refuge of all humanity and all the good that has come from the dark ages to the present time—watching it drift and sift through our fingers like so much sand.

Now, I approach this task delicately and I have decided that the best way to accomplish my objective is to give you facts and figures. I don't want to hurt anybody's feelings and I don't think I will. I think that the way to avoid stepping on toes is to talk factually, as I intend to do. I want to briefly tell you the story of one man, a truck driver by the name of Harvey Lemming.

You know, we have made some wonderful technical advances, but we have concentrated on the ability to destroy men. We were willing to spend something like eighty-five thousand dollars to kill one enemy soldier in the last war. Yet, we are very reluctant to save one human life in this country despite the high sounding phrases that are written into our laws and into our Constitution.

Harvey Lemming, ladies and gentlemen, was a many forty-seven years of age. He was in excellent health, had a steady job and made approximately five hundred dollars a month driving his truck. On one occasion he drove to Bakersfield from Los Angeles over the ridge route; at Bakersfield he pulled his truck over to the right as far as he could. He stopped his truck, he left his clearance lights on and he got out of his truck. He had some coffee, rested a while and came back preparing to drive on down the highway.

Mr. Lemming had gone around to the front of his truck and lifted up the hood of the truck to check the battery and water when suddenly his truck was struck from the rear. His huge truck, which happened to be a carry-all loaded with something like eight or ten new automobiles, was struck by a big semi-truck and trailer weighing somewhere around thirty thousand tons. Mr. Lemming was shoved forward by his truck into another truck which was practically the same type truck that he was driving. The two trucks, being pushed by this big equipment, went forward a distance estimated between forty and fifty feet. Of course, Mr. Lemming sustained severe injuries. His right leg had to be amputated at the upper third of the right femur. The bone and the sciatic nerve were cut back to the point where medical experts concluded that nothing further could or should be done. His left leg was broken and shattered from the ankle to the hip. He was given every miracle drug known to modern medical science and he will have to wear a steel brace the rest of his life. In addition to this, within a week after he was hospitalized—and that hospitalization lasted better than eight and a half months—his life was greatly menaced by a blood clot which had its origin in his left knee, but which had lodged in his lung.

The expenses were tremendous. The medical fees alone, at the time of the trial, were $4,649.75. The hospital bill was $6,041.94. The special registered nurses were $2,147.00. A practical nurse that had taken care of him up to the time of the trial cost $550.62. Miscellaneous expenses, including braces for his remaining leg, crutches, wheel chair, ambulance bills, etc. was $372.92. His lost wages at the time of the trial were $7,797.79. The total amount of expenses was $21,560.02.

The case was bitterly contested in a trial that lasted for some two

weeks. The equipment that had hit the rear of Mr. Lemming's truck belonged to two large corporations engaged in a joint venture on a highway job. Their main defense was that this driver had taken the truck off on a lark of his own, to wit: to lure, with the help of a friend and a vodka bottle, two women of questionable character to the site of a job in the foothills where he was working. The jury, however, returned a verdict for $212,589.69 for Mr. Lemming. They gave him $21,569.02 for medical expenses and lost wages to date. They gave him $6900.00 for future medical expenses. They gave him $48,300.00 to pay a practical nurse to take care of him for the remaining 23 yaers of his life expectancy, computed at a reasonable value of $1.25 per hour averaging $175.00 per month, times twelve, times 23. They also figured that a man would work another twenty years at his expectancy and that his wages would have been $98,498.40. Now his total monetary loss was $153,698.40 which, when added to the sum actually spent to date, amounted to $175,258.42.

On a motion for a new trial the judge said, "The injuries to the plaintiff were most extreme." He added, however, that in his considered opinion the maximum that the plaintiff should have was $117,400.20. We asked the insurance companies to file a waiver of appeal and we offered to file our remittitur to $117,000.00, but they refused. They just couldn't see it. So, off we went again.

I accepted that challenge but I was scared to death. I could feel my life blood dripping in my boot tops as I argued to that jury. So I had a big sign made and I put all of these figures up there and they came to that total of over $175,000.00 out-of-pocket and I said that I was going to find out, once and for all. Anyone that would deny this man that amount, which doesn't include a dime for pain and suffering, doesn't give him a dime for humiliation, doesn't give him anything for ridicule or any other intangible loss, just isn't going to give an injured man a break. Giving him $175,000.00 merely gives him his total present and future out-of-pocket expenses.

This second jury returned a verdict for about $1000.00 more than the first jury did—$213,480.02. This judge promptly denied the motion for a new trial. The defendants didn't even say "We'll give you half," or "What will you take for cash?" They just appealed.

In the meantime I had been sitting back thinking that eleven jurors in the first trial, nine jurors in the second trial and one judge had on two separate occasions agreed that this man had something coming and on both occasions had agreed that it was in excess of $200,000.00. Let them appeal!

When the case was decided on June 11, 1954, it contained some of the most startling language you can imagine. To begin with, Section 402 of our Vehicle Code tells the jury that liability is limited to $5000.00. On the question of agency the court found there was error in not giving an instruction to this effect. Here, I think they confused agency with scope o femployment, but I am not as concerned with this as I am with scope of employment, but I am not as concerned with this as I am cerpts from the opinion in this case:

> "Counsel for plaintiff concedes that this is the largest judgment obtained in this state for such injuries as here shown and agrees that there is no reported California case supporting such an award. . . . Under the rule of comparable verdicts above indicated it readily

> appears that the size of the verdict rendered in the instant case, compared to verdicts sustained for similar injuries, even considering the claim 'decrease in the value of the dollar,' is excessive. A full allowance of $410.41 for twenty years, totalling $98,498.40 and the claim for the $48,300.00 for nursing care of the plaintiff for twenty-three years appears to us to be excessive and unreasonable when added to the amount allowed for special damages established and when added to claim damages which must have been allowed for future pain and suffering. The question of excessive verdicts is generally left to the trial courts of the first instance. And its findings do lend weight to the correctness of the jury's award. However, in this case we have a finding by the judge who tried the case in the first instance, based upon practically the same evidence, that the verdict of $212,589.69 was excessive and so grossly disproportionate to any reasonable limit of compensation warranted by the facts that it shocked the sense of justice and raised the presumption that it was the result of passion and prejudice. Accordingly, he endeavored to reduce the amount of the award to $117,400.20. Our conclusion, when considered in opposition to the conclusion reached by the trial court in the instant trial, therefore, has basic support. Whether the jurors in the present case knew that a former jury had returned a verdict for $212,589.69 and that the trial court endeavored to reduce it as shown is not established by the evidence. However, resentment upon the part of the nine jurors in this action to the trial judge in the first case, in attempting to reduce the verdict of the former jury, may be indicated."[1]

Don't you think that this is unfair? The only conclusion that I could reach is that if a man is crippled as badly as a man can be crippled, he can never expect to recover more than $117,000.00. A jury verdict is no better than the judge before whom it is returned, because the judges can substitute their opinions for jury verdicts.

Now, what are we as lawyers going to do about this situation? Either we are going to have a jury system or we are not going to have a jury system. I think it is high time that we realized what a jury system means. Do you realize that blood was spilled for the right to have a jury trial? I think it is time that we lawyers stand on our hind legs and say, "Does an individual have any rights or doesn't he?" Don't you feel sorry for the poor guy sitting in the hospital as a result of an accident which he didn't plan? Real medicine costs money. Real food costs money. It is about time we began to say, "What about man? What about these high-sounding phrases?"

I think this is something for us to worry about. And I think that we, as a legal profession, are committing suicide if we don't pick up this banner. That's why I enjoyed your gentleman that talked about the country lawyer so much. There is a man who hasn't lost his common sense. There is a man who isn't hoodwinked by Latin verbiage and false economics. There is a man who knows what it is to climb the mountain; he knows that your fingernails must be sharp to do it. There is a man who knows what it is for a baby to be born in the middle of the night without doctors. He knows what it is to try to till a living out of the soil. He knows what health is worth. He knows what a body is worth. He knows what it is to have two good legs under you, to have your mind, to have your spirit. What are we going to do about it?

Are we going to be Milquetoasts, or are we going to make a return to the lawyer who built this country--the individual, independent, courageous lawyer that believed in truth and fought for what was right?

I certainly enjoyed being here and I want to thank you for listening to my harangue. If I have hurt anybody's feelings, I'm sorry; but deep in my soul I feel strongly about this subject. I still believe that our beautiful flowery language about the rights of man must have the strength of law behind it.

The next order of business was the election of a delegate to represent Mississippi in the House of Delegates of the American Bar Association. Mr. Phil Stone, of Oxford, was unanimously elected delegate following his nomination by Mr. William Keady of Greenville.

Dean Robert J. Farley, of Oxford, was nominated for the office of President of the Mississippi State Bar by Mr. Phil Stone. Dean Farley was elected President by acclamation. Mr. Henley nominated Judge Tom P. Brady, of Brookhaven, for Vice-President and he was elected unanimously. Mr. J. M. Morse, III, speaking for the Junior Bar Section, nominated Mr. Lampkin Butts, of Laurel, for second Vice President and Mr. Butts was unanimously elected.

Mr. William Keady of Greenville presented the Report of the Resolutions Committee. The report was adopted unanimously.

The convention then close the site of the 1955 convention as the Mississippi Coast, with the power delegated to the officers and the Commissioners to select the hotel headquarters.

The elections of Commissioners by the individual groups from each district showed the following results:

District 1—W. C. Sweat, Corinth
District 2—William Hewes, Gulfport
District 3—Leslie Darden, New Albany
District 4—Oscar B. Townsend, Indianola
District 5—Clarence E. Morgan, Jr., Kosciusko
District 6—Joseph E. Brown, Natchez
District 7—Joe H. Daniel, Jackson
District 8—John C. McLaurin, Brandon
District 9—James P. Biedenharn, Vicksburg
District 10—Champ C. Gipson, Meridian
District 11—Ben M. Caldwell, Marks
District 12—M. M. Roberts, Hattiesburg
District 13—George B. Grubbs, Mendenhall
District 14—Richard E. Stratton, III, Brookhaven
District 15—Jean Patterson, Monticello
District 16—H. T. Carter, Columbus
District 17—Herbert M. Fant, Sardis
District 18—Warner A. Beard, Jr., Laurel

The Forty-Ninth Annual Meeting of the Mississippi State Bar then adjourned sine die.

PROCEEDINGS OF THE EIGHTEENTH ANNUAL MEETING OF THE

JUNIOR BAR SECTION

Held at Edgewater Park, Mississippi, June 17, 1954

The eighteenth annual meeting of the Junior Bar Section was called to order at 2:00 P.M., June 17, 1954, in the Edgewater Gulf Hotel, Edgewater Park, Mississippi by Mr. Lampkin Butts, President of the Junior Bar Section.

The invocation was delivered by the Reverend Victor Augsburger.

An address of welcome was delivered by Mr. Daniel Guice of Biloxi and was responded to by Mr. Robert Crisler of Jackson.

The first order of business was the consideration of the various committee reports.[1] The Report of the Junior Bar Committee on Public Information was delivered by Mr. Clarence Morgan, Jr., and was adopted by the convention. The convention then adopted the report of the Committee on Unauthorized Practice of Law, delivered by Mr. William Turner. The next report heard by the convention was that of the Statistical Information Committee, delivered by Mr. Robert Nichols, Jr. and adopted by the convention. Mr. Fred Witty read the report of the Executive Committee, which was discussed at length and passed as originally offered. The convention then heard a report of the American Bar Association convention delivered by the delegate, Mr. Harry Hoffman. Mr. Charles Henley read the Report of the Legislative Committee, which was adopted by the convention. The convention then heard a report on the Jackson Law Institute, delivered to them by Mr. Charles Henley and Mr. Jack Travis. President Butts delivered the report on the Lawyers' and Accountants' Institute, and Mr. Rowan Taylor reported on the progress of Jackson's Legal Aid Incorporated. After a report by President Butts on the regional meeting of the American Bar Association and its Junior Bar Section, the convention adjourned for a short recess.

Following the recess, President Butts presented Mr. Owen Roberts of Brookhaven who introduced the principal speaker, Mr. Walter Armstrong of Memphis, Tennessee. Mr. Armstrong delivered the following address:

TRIAL PRACTICE TODAY

*Walter Armstrong, Jr.**

Recently Mr. Lloyd Paul Stryker, one of the outstanding trial lawyers of our time, published a book entitled *The Art of Advocacy* in which he makes the following statement:

> "That the art of advocacy of late years has ben declining—indeed, that it has now reached its lowest point—is unquestionably the fact, a fact for the proof of which many witnesses might be called."

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[1]All committee reports will be found in Appendix A.

He goes on to report that in a poll recently taken among the students of the Harvard Law School upon the relative importance of the various attributes of lawyers, skill in advocacy was ranked at the very bottom and by a substantial margin.

This is far cry from earlier days when Daniel Webster argued the Dartmouth College Case before the United States Supreme Court for six days. No longer do the halls of our courts ring with the sonorous voices of members of the bar; the confidential whisper has replaced the overpowering shout, and the citation of precedents, the floods of oratory of former years.

As a result, few young lawyers are encouraged to follow the arduous road of courtroom practice, and the role of the two lawyers described in verse by Mr. Paul Arnold might today well be reversed:

"I know of a clever young lawyer
Conversant with all the Reports;
He retains in his head all that Blackstone has said
On pleadings and answers and torts.
He reels off judicial opinions
From Marshall's to Chief Justice White's;
Injunctions, restraints and amended complaints,
He says are his greatest delights.

But though he quotes obiter dicta
And knows all about what they mean,
And he has stowed every word of the Code
In the depths of his marvelous bean,
At sessions, or even police courts
You will never see him appear;
They keep him at work as a library clerk
At seventeen hundred a year.

I know of another attorney
Whose knowledge of law is so slight,
That his colleagues can't see how he got his degree
Unless with a blackjack at night.
But he blusters and shouts at a jury,
Spouts language all over the place,
And the courtroom is filled and the public is thrilled
Whenever he's trying a case.

His clothes are the latest and loudest,
His fees are the highest there are,
And the people agree as a unit that he
Is the brightest young man at the bar.
The tale is the truth, not a fable,
And therefore no moral I'll draw,
But I trust you'll observe that an ironclad nerve
Is an excellent thing in the law."

A few years ago there may have been more truth than poetry in this; but today this is no longer the case. The reasons for this change are not difficult to understand. In the first place, courtroom practice is not as lucrative as it once was. The big money now is where the vast accumulations of wealth lie: in estates, trusts, corporations, taxes, and administrative procedures. I suppose that the majority of litigated cases still

arise out of personal injuries; and despite the efforts of the proponents of "The Adequate Award," it is difficult to make more than a limited amount of capital out of damage to the human body. On the other hand, the potentialities of corporate reorganization, tax avoidance, estate planning, and such activities are virtually unlimited.

Secondly, trying lawsuits is hard work. Long hours in the courtroom under constant tension are not conducive to steady nerves; and the trial advocate does not have the opportunities for research and deliberations which are available to the office lawyer, but must take the responsibility for split second decisions upon which the entire success or failure of his case may rest. Nor is this all. It is sometimes forgotten that courtroom activities represent only a small portion of the work involved in trying a case, and that for every moment in court there are (or at least should be) hours of preparation in the library, in the investigation of facts, or in the interviewing of witnesses. As with an iceberg, the portion of a trial attorney's work which appears upon the surface represents only a small part of its total bulk.

With these factors in mind, the wonder is not that those attracted to the trial field are so few, but that there are as many in fact as there are. The answer must be that the rewards are other than financial, as they indeed are in other comparable fields such as teaching or writing. And so the case proves to be; for there is a sense of accomplishment in a well tried lawsuit, there is a drama in the wait for the jury, and there is a satisfaction in the motion sustained or the point well taken, that no amount of office work over legal documents of even the greatest importance can ever match. This is the pinnacle; this is that upon which all else depends; this is the ultimate goal.

It is fortunate that this additional incentive exists; for while it is possible to relegate trial practice to a secondary position, it is not possible to dispense with it. The fact that a settlement is reached and an agreement concluded presupposes that had they not been, the matter could have been brought to court. Contracts would be meaningless without means to enforce them. This, I suspect, is why your English friends have drawn the sharp distinction between barrister and solicitor—between he who enforces the right at the bar and he who confines his activities to the formal aspects of the law. We have more democratically combined the two functions in one; but in doing so perhaps we have at times lost a perspective which the hierarchy which they have created would have done much to emphasize had we chosen to emulate it.

And so we may agree with Mr. Stryker that while the practice of law is a profession, advocacy is an art; an art which must never disappear, and which is the outgrowth of a long tradition. For it is basic to our system of jurisprudence to assume that the best way of arriving at the truth is to allow two advocates to present their respective sides of the controversy before an impartial tribunal. If this assumption is indulged then all the rest follows; if it is rejected, then our whole procedure becomes meaningless.

I do not know how far it would be possible to trace this assumption back through history. Out of the merest curiosity with this in mind I began to look back through the Year Books. It seems that even centuries ago the Court sometimes became rather sharp with counsel, and counsel was sometimes forced to call its shortcomings to the attention of the

Court. This give and take of the courtroom, the fact that every position taken and argument advanced is subjected to the closest scrutiny of the court and of opposing counsel, is the very essence of advocacy. But the culmination of the advocate's art, the highpoint towards which all else tends, is not the argument on appeal or the presentation to the court of legal principles, but the argument *ad hominem,* the jury case. The true attorney, as distinguished from the mere lawyer, is at his best before twelve good men and ture; and since the adoption of the rule against the impeachment of verdicts, he has practically a free hand in his choice of means of persuading them to his point of view.

In America, judges are sometime tolerated more than obeyed. Their function, as the American lawyer, appears to conceive it, is similar to that of the compass; to indicate the direction in which the most powerful force is operating. But, as with the compass, this is not invariably true north. On the other hand, the judge who intervenes too frequently in the proceedings is likely to influence them in outcome as well as conduct. The power of the court to comment on the evidence is used sparingly, if at all. In England, though, the judge almost invariably makes his position quite clear before the end of the trial. The jury then has its choice of returning a verdict in accordance with his expressed beliefs, which it knows will earn it commendation and will be allowed to stand; or to go against his wishes, thus running the risk of censure and the possibility of having its vedict set aside where this is possible. It is a hardy group of jurors who choose the latter course.

In earlier days, however, the judge not only commented upon the evidence, but largely controlled by his whim the determination of what should not be received as a part of it. Today, you can't imagine a judge, American or English, refusing to receive evidence impeaching the creditability of a witness for the prosecution, and yet these are the lengths to which courts have gone in the past, and to my way of thinking, they are the dangers still inherent in too much interference by courts in the factual as opposed to legal aspects of trials today. There are, as we know, countries where the purpose of trials is not to arrive at justice but to justify a position previously taken by the government. I do not believe, as I am certainly not suggesting, that our own courts will ever become such a tool in the hands of the Exeutive Branch of the Government, despite a tendency on the part of our highest tribunal to act as a social agency instead of a court of law. Most of us thought that in the days of Franklin Roosevelt. That battle has been fought and won; and we hoped that as long as the separation of powers in our Government was maintained, the judiciary would stand as a bulwark against any inroads upon the liberties guaranteed us. But I am suggesting that what could not be accomplished directly may result by indirection; that what could not enter at the front door may slip in at the back; and that unless the concept of a trial as an adversary proceedings, in which each side is entitled to be fully presented and heard, is preserved and strengthened, the fundamental structure of our system of justice may begin to weaken at its vital points.

Already there are signs of this weakness in a growing lack of respect for the legal profession. The inference is because it has ceased to represent the interests of its clients and come to represent only its own. And

this inference is drawn from the assumption that the lawyers have stopped seeking justice in the courts and combined to divide the spoils among themselves.

The popularity of a character like Mickey Spillane's "Mike Hammer," whose avowed purpose is to dispense justice in quarters which the law cannot reach, has some significance as psychological phenomenon. Of course we read detective stories for entertainment and not for social criticism, but if the way in which the story is presented is too far fetched, too foreign to our daily experience, we reject it. And therefore because Mike Hammer has been accepted as plugging up the loopholes in the law, it follows that the general public is convinced that those loopholes actually exist. And if they do exist, it must be because the lawyers and the judges are not doing their job properly. No one stops to think anymore, as they might have twenty years ago, that if the law is slow; it is so that there may be assurance that justice is done; and if there are loopholes through which the guilty sometimes escape, it is so we may be certain that the innocent are never wrongly punished. No one remembers that the man who undertakes to circumvent or override the law is a potential Hitler or Stalin, and it is only through the rule of law, slow and imperfect though it may be, that the continued existence of democracy can be guaranteed.

And so I say to you that it is important to all of us, lawyers and laymen alike, that the trial of cases in open court by an adversary proceedings be preserved. As long as the door of the courthouse is ajar, the door of liberty will never be locked against us. And while the emphasis may shift from time to time, and other types of practice prove more lucrative or appealing, still it is the attorney who stands at the bar of the Court before the judge and jury who, to my mind, carries the banner in the vanguard of our profession. And of all the cannons of ethics, the most important is that which reads:

> "The lawyer owes 'entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability,' to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or denfense."

May there always be those with the will, the ability and the opportunity to carry out these precepts.

A business session followed. A motion was passed to reconsider the adopted Report of the Executive Committee relative to the selection of a site for the next annual convention. Upon reconsideration, the convention adopted a motion to amend the report to include the recommendation that the Commissioners be empowered to select the hotel at or near the site of the next Convention and that site to be determined by the Convention. This amended report was to be the recommendation given to the Mississippi State Bar Association by the Junior Bar Section.

The principal order of business was the election of officers. The following were duly elected:

Mr. Josh Morse of Poplarville, Mississippi, President

Mr. Charles Henley of Jackson, Mississippi, Vice-President

Executive Committee:

George Estes, Southern District
William H. Stewart
James Finch
Jack Travis, Central District
James Smith
John Weston
Henry Van Every, Northern District
Beauchamp Jones
Fred Witty

Recommended to Senior Bar as Second Vice-President:

Lampkin Butts

The Eighteenth Annual Meeting of the Junior Bar Section was then adjourned sine die.

APPENDIX A

COMMITTEE REPORTS

REPORT OF AMERICAN BAR ASSOCIATION ACTIVITIES

There are two matters in connection with American Bar Association work that I will take up in this report. Most of us are familiar with the campaign and the building of the great building which will be the center of the legal and professional activities in the United States. For a while Mississippi was at the bottom of the list of states contributing, but we now have contributed 57% of our quota. I think that all of us should make some contribution to that center. It will be not only the center of the professional organization, but it will be a research center for all lawyers who care to use it. It will build up an efficient and rather large research staff which will compile all legal publications from the earliest date down to the current issues.

A tremendous amount of work is being done on insurance, public utilities and other fields of law. The House of Delegates carries on research meetings which aid in mapping legislation. I think you would be interested in the fact that the American Bar Association sponsored the Bricker Amendment. We debated it in the House of Delegates and had it introduced in Congress. As you know, it lost by one vote in the Senate, but as a result of the work being done by this Association we think it will be adopted.

I am going to ask for an endorsement on a resolution before the 83rd Congress. This resolution was prepared by the American Bar Association Committee on Jurisdiction. This resolution embodies in it three separate resolutions adopted by the American Bar Association. Section 1 prevents the packing of the Supreme Court. It provides that the Supreme Court of the United States shall be composed of a Chief Justice of the United States and eight Associate Justices of the Supreme Court in regular active service. This is to prevent the possibility that some executive who is willing to sacrifice to politics will pack the Supreme Court.

Secton 2 provides that the Chief Justice of the United States and each Associate Justice of the Supreme Court shall cease to render regular active service as a member of the Supreme Court upon attaining the age of 75 years, but shall continue to receive all of the emoluments of his office.

Section 3 provides that in all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all cases arising under this Constitution the Supreme Court shall have appellate jurisdiction, both as to law and fact. In all other cases mentioned in the first paragraph of Section 2 of Article III of the Constitution the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make. It further provides that no person shall be eligible to serve as President or Vice President of the United States until five years have passed after the termination of his service as Chief Justice of the United States or as an Associate Justice of the Supreme Court unless the termination of his service as a member of the Supreme Court occurred before the ratification of this article.

REPORT OF THE BUDGET AND FINANCE COMMITTEE

The Budget and Finance Committee of the Mississippi State Bar, after thoroughly considering the financial affairs of the Bar, presents and recommends for adoption the following budget for the fiscal year, 1954-1955:

Office Expense	$ 2000.00
Commissioners' Expense	1000.00
Junior Bar Section	1000.00
Annual Meeting	300.00
Committee Expense (To be allocated by the Commissioners)	2000.00
Travel Allowance for Study Committee	300.00
National Conference on Uniform State Laws	150.00
Expenses of Delegates to Judicial Conference	200.00
Secretary's Salary	3600.00
Expense of Secretary to A.B.A. Concention and to mid-winter conference	650.00
Contingent or Miscellaneous	150.00
Extra Office Help	2100.00
Mississippi Law Journal	4000.00
Dues National Conference of Bar Presidents and National Conference of Bar Association Secretaries - (A.B.A.)	50.00
President's Expense	250.00
Total	$17,750.00

REPORT OF COMPLAINT COMMISSIONER

Two years ago our Complaint Commissioner expressed in his report gratitude to the Bar in that only a few complaints had been filed during his tenure of office. I wish that it were possible for me to make that same report to you today, but it so happens that this unpleasant post has been quite active during the past year. In addition to the regular run of complaints against lawyers who failed to answer correspondence or otherwise report to clients on the status of their matters and other minor complaints of not so serious nature, we had an unusual number of more serious charges.

Included in the more serious charges were four disbarment proceedings, which resulted in disbarment in the trial court of four practicing attorneys. Three other such complaints involving serious charges are now pending.

The bulk of the work on these more serious charges was handled most effectively by committees of the local Bar Associations. I wish to take this opportunity to express what should be a tremendous debt of gratitude on the part of the entire Bar Association to these lawyers who gave so diligently of their time and efforts in this matter. Their diligence and efforts marked at every step of the way by a most profound sense of fairness and justice redounds to the credit and glory of every member of our great and honorable profession.

Under our present statutes and by laws the complaint procedure is cumbersome and time consuming. It is unfair to the lawyer complained against, unfair to the profession and unfair to the public in that it does not afford a speedy hearing and disposition of these serious complaints. At least one local Bar Association has not even reported to the Association a disbarment proceeding now being conducted by it. I ll venture the opinion that it is because of the technical, cumbersome and time consuming methods we are required to follow in our Association procedure.

Furthermore, the duties of the Complaint Commissioner are such that one man should not be shouldered with the responsibility of serving the entire state. Three such Commissioners, one from each Supreme Court district, or a grievance committee similarly composed might be the solution to this phase of the problem. These and other objectionable features of the complaint procedure are serious enough to warrant some constructive action being taken.

In conclusion it is recommended that an appropriate committee make a study of these most vital matters and that the committee recommended a workable organization procedure for consideration and action thereon at our next annual meeting.

REPORT ON THE JUDICIAL CONFERENCE

The Judicial Conference was quite inspiration to those of us who attended and I feel that more of our brethren might devote their attention to it. The justice of the United States Supreme Court assigned to the Fifth Circuit was present, as well as the Circuit Judges and District Judges of the six states tributary to the Fifth Circuit Court. Lawyers and judges from several states attended the conference, although Mississippi, on the whole, was not represented as well as some of the other states.

The chairman of the Youth Correction Division of the United States Board of Parole, Mr. Reed, gave a very enlightening speech on the work that the Government is doing in an effort to rehabilitate youthful criminals.

One subject, The United States as a Litigant, was divided into two discussions. Mr. H. Brian Holland, Assistant Attorney General in charge of the Tax Division, and Mr. Simon E. Soberloff, Solicitor General, emphasized the point that we may look to the Department of Justice to fairly and impartially represent the interests of the Government and the people.

The lawyers' portion of the program, as usual, was devoted to chiding the judiciary. A young man from Fort Worth, Texas, Mr. Leo Brewster, spoke on "When the Government Is on the Other Side or Has Possession of the Evidence." He had some good ideas on how you could make the Government reveal the secrets that hide behind the maze of regulations.

Mr. W. D. Masterson had the hardihood to tackle that most insoluble of all questions in the Federal Court——indispensable parties in oil and gas litigation in the Federal Courts. He expressed the idea that the Fifth Circuit may have succeeded in repealing Federal jurisdiction, insofar as land suits are involved.

The final discussion was on the subject of the selection of Federal judges. It was delivered by Mr. Charlie Block of Macon, Georgia, and advanced some rather different ideas about the manner of selecting Federal judges. It was based considerably on the studies which have been made by the American Bar Association and on practices now in force in some of the states.

REPORT OF THE LEGISLATIVE COMMITTEE (JR. AND SR. BAR)

The Legislative Committee, having been charged with the responsibility of executing the duty of the Mississippi State Bar to recommend to the State Legislature such legislation relating to the courts, to matters of pleading, practice and procedure, and any other legislation which in its judgement will improve the courts and the law, or render the members of the bar more efficient as instrumentalities for its attainment," pursuant to the provisions of Section 8709, Mississippi Code of 1942, submits this report of its activities during the year just completed.

The Committee, composed of five members, received from the Study Committee twelve proposed bills. In addition, Honorable John C. Satterfield, of the Hinds County Bar, delivered to the Committee a copy of the proposed bar admissions bill recommended by the Committee on Legal Education and Admissions to the Bar and adopted by the 1949 convention of the Mississippi State Bar in the form of a committee report.[1]

The following is a summary of the legislative action taken on bills recommended by the Mississippi State Bar:

[1] 20 Miss. L.J. 500 (1949)

1. House Bill No. 2, the Uniform Reciprocal Enforcement of Support Act. Passed by House and State. Approved by the Governor.

2. House Bill No. 99, reconstituting the Board of Bar Admissions and raising the educational requirements of candidates for admission to the Bar to two years of college or the equivalent thereof. Passed by House and Senate. Approved by the Governor.

3. House Bill No. 104, providing new procedures for adoption of children. Passed House by a unanimous vote. Died in the Senate Judiciary Committee.

4. House Bill No. 106, differentiating between causes for divorce and causes for annulment of marriages, and establishing a statutory procedure for annulment. Referred to a sub-committee of House Judiciary Committee. No action taken by the sub-committee.

5. House Bill No. 107, reducing the time limit for appeals to the Supreme Court. Passed by House and Senate. Approved by the Governor.

6. House Bill no. 108, authorizing the use of photostatic copies of wills in taking the affidavits of witnesses who attested said wills and who are non-residents. Passed by House and Senate. Approved by the Governor.

7. House Bill No. 109, providing that in cases of married minors, the residence of the husband shall be considered the residence of both parties to the marriage. Passed by House and Senate. Approved by the Governor.

8. House Bill No. 110, providing an additional method of appointing guardians for persons of unsound mind. Passed by House. Died in Senate Judiciary Committee.

9. House Bill No. 111, providing procedures for taking depositions cumulative of existing methods. Favorably reported by House Judiciary Committee. Not reached on House calendar prior to adjournment.

10. House Bill No. 112, authorizing guardians, upon approval by the court, to retain approved securities for wards. Passed by House and Senate. Approved by the Governor.

12. House Bill No. 523, a companion bill to the adoption bill, dealing with the issuance of birth certificates for adopted children. Passed by House. Died in Senate Judiciary Committee.

13. Senate Bill No. 1202, authorizing the impaneling of alternate jurors in certain cases. Passed by the Senate and House. Approved by the Governor.

The foregoing summary indicates that eight of the thirteen bills recommended have become law.

REPORT OF THE EDITORIAL BOARD OF THE MISSISSIPPI LAW JOURNAL

General

The publication of the October, 1954, issue of the *Mississippi Law Journal* will mark the completion of the twenty-fifth volume and the *Journal* will then commence its twenty-sixth year of uninterrupted publication. Commemorating the twenty-fifth anniversary of the *Journal*, the December, 1953, issue was designated a commemorative issue. In recognition of the one hundreth anniversary of the University of Mississippi School of Law the March, 1954, issue was designated the Centennial Issue. In further recognition of the significance of the year 1954 in *Law Journal* and Law School history, the December, 1954, issue will be composed entirely of articles written by faculty members of the School of Law.

At the present time the Journal publishes four issues annually and has a circulation of approximately 2300 copies per issue. Except for numerous isolated pur-

chasers, our subscribers include the members of the Mississippi State Bar, students of the University of Mississippi School of Law and libraries throughout the United States and the rest of the world. At present the international subscribers include individuals and institutions in England, Saudi Arabia, South Africa, Argentina, Australia, Bel gium, Canada, Germany, Mexico, the Phillipine Islands, Puerto Rico and Hawaii. The subscription rate is $4.00 per annum and separate copies may be purchased for $1.50.

Buildings and Facilities

The publication headquarters of the *Mississippi Law Journal* is located at the University of Mississippi in a recently remodeled brick structure immediately adjacent to the law building. The building contains an editorial and business office, a reception room, and three work rooms for the staff members. The building is comfortably furnished and contains desk space for the staff members. One room also contains shelf space for storing back issues of the *Journal*. In addition, the *Journal* has a library consisting of the *Southern Reporter,* the *Supreme Court Reports,* the *Mississippi and Southern Digest* and the *Mississippi Code of 1942*. As a result of the efforts of Dean Robert J. Farley and Mr. Arthur B. Custy, the Faculty Adviser, the cost of the *Journal* library and the cost of the maintenance of the building are borne by the University and the School of Law without expense to the *Journal*.

Personnel

Each issue of the *Mississippi Law Journal* is edited by a student editor with the help of an editorial board, all of whom are students of the School of Law. At the present time the board is composed of fourteen students, who have been selected by the faculty on the basis of scholarship, achievement and editorial ability. All work is done under the supervision of the Faculty Adviser, Mr. Arthur B. Custy, who in turn is responsible to the Dean of the School of Law.

Membership on the *Journal* staff carries with it no financial compensation. Upon satisfactory completion of all assigned work a staff member receives two hours academic credit and an engraved certificate of service.

Issues Published since Last Convention

Since the 1953 Convention the *Journal* has published five issues: the October, November and December, 1953, issues and the March and May, 1954, issues. We are pleased to report that each of these issues was delivered during the first week of the month in which they were scheduled for publication. We hope to continue to deliver the *Journal* on this schedule.

The *Journal* is now being published by an Oxford printer. The quality of his work is excellent and his price compares favorably with that of any firm from whom we received bids when the contract was let. This arrangement, in addition to being much more convenient, saves the time formerly spent in mailing copy to and from the printer.

Special Projects Completed

The most significant achievement of the past year was the publication of a Special Issue containing the proceedings of an Estate Planning Conference held at the University of Mississippi. This issue was published in November, 1953, and was designated Number 5 of Volume XXIV. The cost of this issue was partially met by the University and partially met by the sale of advertising and individual copies of the issue. The issue contained articles by noted authorities in the field of estate planning; copies of the issue were sold to attorneys, C. P. A. 's and insurance men all over the United States. Individual articles were also reprinted in several nationally circulated tax magazines and digests. This issue was distributed free of charge to each member of the Mississippi Bar.

The *Journal* has also instituted a practice of writing a post card to each attorney and judge connected with cases on which case notes are written. In response to cards

written for three issues of the *Journal* fifteen attorneys and six judges from outside Mississippi have ordered copies of the *Journal*. Valuable publicity has been obtained by the inauguration of this practice.

Southern Law Review Conference

As another phase of the celebration of the Centennial of the Ole Miss School of Law, the *Law Journal* was host to the annual meeting of the Southern Law Review Conference. Nearly one hundred delegates from seventeen Southern schools attended this Conference and exchanged ideas on the successful operation of Law Reviews.

The featured speaker at this Conference was Mr. Justice Frankfurter of the United States Supreme Court. Justice Ethridge of the Mississippi Supreme Court also spoke to the delegates.

Through the efforts of Dean Farley the Conference was held at no expense to the *Law Journal*. The expenses not covered by the registration fees were paid by the Law School.

Future Plans

The principal project for the future is the reprinting of back issues that are not presently available. A new process of lithoprinting has substantially reduced the cost of such reprinting and for the first time such reprints are available at reasonable prices. The *Journal* intends to immediately reprint four issues. This will make available Volumes IX through XXV in their entirety. We hope that one of the first eight volumes may be reprinted each year with the help of the Mississippi State Bar. Thus, in a relatively short time the *Journal* will be able to supply complete sets of its publication.

The *Journal* now has on hand sufficient funds to pay the balance remaining on the Index Account. This account was created several years ago when the University advanced sufficient money to publish the twenty year Cumulative Index. Arrangements have been made for one more payment, which will completely extinguish this debt.

The Journal and the Bar

The primary consideration of the editorial board in publishing the *Mississippi Law Journal* is to serve the Mississippi State Bar by providing a body of reference material particularly applicable to problems encountered by the practicing attorney in Mississippi. Wise use of the twenty year Cumulative Index can curtail the amount of research necessary to the solution of a legal problem. We recommend the use of this Index as the best way to derive the fullest benefit from the *Journal*. Particularly will this Index be valuable when the reprinting of back issues is completed and a library may contain an entire set of *Journals*.

The editorial board solicits and will be grateful for any suggestions, comments, or criticisms from the Bar in regard to the publication of the *Journal*. Furthermore, we invite each member to write and submit for our consideration material for publication in the *Journal*. The *Journal* is the official publication of the Mississippi State Bar and with the help of each member of the Bar we hope to make it beneficial to the attorneys of this state.

EXHIBIT "A" TO THE *LAW JOURNAL* REPORT

FINANCIAL REPORT OF THE *MISSISSIPPI LAW JOURNAL*

July 1, 1953 - May 31, 1954*

Receipts

Balance Remaining from 1952-53 Bar Appropriation	$ 1497.01
Balance in Bank, July 1, 1953	1071.48
Appropriation, Mississippi State Bar	3850.00

Sale of Subscriptions	653.70
Sale of Back Issues	411.93
Sale of Special Issue	430.00
Sale of Advertising	1510.30
Sale of Advertising for Special Issue	197.50
Law School Student Assessment	167.00
Grant from University for Special Issue	1000.00
Miscellaneous Income	11.00
Total Receipts	$10799.92

Disbursements

Printing:		
Volume XXIV, No. 2	$1253.09	
Volume XXIV, No. 3	756.87	
Volume XXIV, No. 4	1174.16	
Volume XXIV, No. 5	1411.53	
Volume XXV, No. 1	1041.83	
Volume XXV, No. 2	1126.69	
Volume XXV, No. 3	1256.02	
		$ 8020.19
Postage and Box Rent		169.71
Stationery and Office Supplies		160.94
Telephone Expense		190.24
Addressograph Expense - Mailing List		267.50
Insurance on *Journal* Library (three years)		163.19
Page in Yearbook		50.00
Purchase of Back Issues now out of print		65.66
Miscellaneous Expense		33.40
Total Disbursements		$ 9120.83
Cash on Hand, May 31, 1954		1679.09
		$10799.92

*The fiscal year is being changed to June 1 - May 31. This will more nearly coincide with the end of a semester and a change in Business Managers. It will also end the fiscal year just prior to the Bar Convention rather than just after the Convention; a more accurate report can be given to the Convention.

EXHIBIT "B" TO THE *LAW SCHOOL* REPORT

PROPOSED BUDGET FOR THE *MISSISSIPPI LAW JOURNAL*

June 1, 1954 - May 31, 1955

Receipts

Balance in Bank, June 1, 1954	$1679.09
Appropriation, Mississippi State Bar	4000.00
Special Appropriation for Reprinting Back Issues	500.00
Sale of Subscriptions	400.00
Sale of Back Issues	200.00
Sale of Advertising	1515.00
Law School Student Assessment	167.00
Miscellaneous Income	25.00
Total Receipts	$8486.09

Disbursements

Printing:		
Volume XXV, No. 4	$1300.00	
Volume XXVI, No. 1	1300.00	
Volume XXVI, No. 2	1300.00	
Volume XXVI, No. 3	1300.00	
		$5200.00
Repay University Balance on Index Account		736.12
Reprint Back Issues		1300.00
Postage and Box Rent		175.00
Stationery and Office Supplies		165.00
Telephone Expense		175.00
Addressograph Expense - Mailing List		275.00
Page in Yearbook		50.00
Miscellaneous Expense		75.00
Total Disbursements		$8151.12
Cash on Hand, May 31, 1955 (Estimated)		334.97
		$8486.09

As will be seen, the budget, except for a few changes, is the same as it was last year, the total amount thereof being $25.00 less than it was last year. A few comments on these more or less minor changes will suffice.

We have increased the item of Commissioner's expense from $900.00 to $1000.00, with the thought that the Mississippi State Bar should encourage District and County-wide meetings over the State next year, with the Commissioner from each District attending the meetings in his particular District, and having a part on the program, His mileage of 10c a mile one way is allowed.

We have also increased the item for the Mississippi Law Journal from $3,600.00 to $4,000.00, being anxious, of course, for the Journal to function at its best and to give all the financial support possible without curtailment of the other fine programs of the Mississippi State Bar.

We have also increased the item of dues for the National Conference of Bar Presidents and for the National Conference of Bar Secretaries from $25.00 to $50.00, to apply on dues for the President and Secretary.

We have reduced the item of Expenses of Delegates to Judicial Conference from $350.00 to $200.00, which reduced amount appears sufficient to cover these expenses, based on previous expenditures for this purpose.

We have not included in the Budget, the item of Office Equipment which appeared in the Budget of last year, feeling that the Bar with the items purchased under last year's Budget allottment, can function properly and efficiently for another year at least without additional equipment of any major importance. The Office of the Secretary is now located in larger and more suitable quarters in the New Capitol Building, and we urge the members to visit the office frequently and see for themselves the splendid work that is being carried on.

We have included in the Budget an item for President's Expense, in the amount of $250.00, just as was provided in the Budget for last year. We realize that this is a mere token allowance, given as an expression of sincere appreciation on the part of the members for the President's wonderful service to the Mississippi State Bar during his tenure of office. Frankly it is not exaggerating one bit to say that the President really contributes one year of his life to the Association, for its affairs are all-consuming and its work is never done.

We have fixed the item of Travel Expense for the Study Committee at $300.00, being the same amount allowed the Study Committee during the past years. The work

of the Study Committee during the past year has been invaluable to the Bar, as will be seen from the Report of the Committee at the Convention.

We have also fixed the amount of Committee Expense for the other committees at $2000.00, the same as last year, and we suggest that the Commissioners allocate this amount among the various committees, in proportion to the needs of each, based on the work assigned to the various committees. If the expanded program of the Public Relations Committee of the Junior and Senior Bar is to be carried on in the same way as during the past year, we suggest that the Commissioners allocate as they did last year, $1500.00 of this item to the Public Relations Committee of the Junior and Senior Bar, and the remainder thereof, or the sum of $500.00, to the other Committees.

The Budget and Finance Committee realizes that the work of the Mississippi State Bar, under the leadership of the President, must be carried on through the various committees, if the Bar is to function to the fullest extent possible. The work of the committees, both of the Junior and Senior Bar, during the past year has been extensive and far reaching. The standing of lawyers with the public generally has materially improved because of the tireless work of several of these committees, through the channels of the press, over the radio and television networks, and in many other ways, as will be shown in the reports of these committees to the Convention. A glance at *The Mississippi Lawyer*, the monthly bulletin published by the Mississippi State Bar, as a means of informing the members of the activities of the Bar, will reflect the splendid committee activities during the past year. The publication of this bulletin is certainly a great step forward for the Bar. We sincerely hope that all of our Committees will continue to function with new zeal and interest in the days and years to come, and that the Bar will regain completely its lofty position of leadership in the eyes of the public generally. Only then can the Bar function with greatest efficiency and success. The Committee, with this in mind, is anxious to extend to its various committees all financial support possible, commensurate with well considered plans and objectives.

The audit prepared by Dick D. Quin & Company, Certified Public Accountants, of Jackson, Mississippi, of the accounts and financial records of the Mississippi State Bar for the past fiscal year, which ended May 15, 1954, indicates that the financial affairs of the Mississippi State Bar have been carried on in an excellent manner. The audit is on file with the Secretary of the Mississippi State Bar at its office in the Capitol Building at Jackson, Mississippi. Any member desiring details can, of course, consult the audit at pleasure.

REPORT OF PROCEDURAL REFORM COMMITTEE

Your Committee respectfully submits the enclosed Bill* for consideration of the Mississippi State Bar, recommends its approval and its submission to the Legislature at its regular, 1954, session.

It will be noted that this is exactly the same Bill that has already been approved by the Mississippi State Bar several times and to the appoval of which at the 1950 Annual Meeting there was only one dissenting vote.

The objection has been raised that this Bill is an attempt to infringe on the power of the Legislature. It is obvious that such contention is not correct because Section 3 of the proposed Bill provides that no rules submitted shall take effect until the Legislature has had an opportunity to pass upon such rules and that the Legislature has power to amend any rule, to enact new rules and to reject any and all rules.

It will also be noted that Section 4 provides for representation on the Judicial Council of trial judges, practicing lawyers and laymen and that the terms of the various members are staggered so that we shall never have an entirely new membership on such Judicial Council.

Another objection that has been made to the Bill in the past is that it is simply an attempt to slip over the lawyers of Mississippi the Federal Rules of Civil Procedure. This is not correct for two reasons.

The first reason is that any rule which may be formulated will first be formulated by the proposed Judicial Council. On that Council will be nine practicing lawyers. In addition to that, all proposed rules must be approved by the Supreme Court of Mississippi. Further, any and all rules formulated will be submitted to the Legislature.

Second, it is recognized by your Committee that, while some of the Federal Rules on Civil Procedure will be helpful in the practice in our state courts, not all of them are adaptable to our state practice. In fact, your Chairman is opposed, and will be opposed, to any attempt to submit the Federal Rules of Civil Procedure as they now stand, as the rules for practice in our state courts.

*Editor's Note: A copy of the Bill herein mentioned may be found in 20 Miss. L. J. 509 (1949).

REPORT OF THE PUBLIC RELATIONS COMMITTEE

The need and importance of bettering the relations between the Bar and the public of Mississippi was pointed out in a report last year; that situation remains unchanged. The present Public Relations Committee met in Jackson last December and discussed various proposals for improving the relations between the lawyers and the public. The state was divided into seventeen areas of responsibilty and each member of the committee was assigned a particular area. Under his supervision the public relations work in that area was carried out. Five specific outlets were adopted for this work.

First, the members of the committee were instructed to promote speeches by lawyers in service and civic clubs.

Second, the committee members were encouraged to promote the showing of Bar Association Public Relation films to service and civic clubs.

Third, each committee member prepared a short article for publication in the county newspaper on a subject which was assigned by the chairman.

Fourth, radio forums on legal questions of general interest were promoted.

Fifth, the showing of appropriate films in schools was encouraged.

In connection with the last type program, three films were purchased for showing primarily to High School and Junior High Schools in the state. A leader attached to each of these films——"Our Living Constitution," "Our Living Declaration of Independence," and "Basic Court Procedures"——explained that the film was being distributed in the public interest by the Mississippi State Bar.

Two films——"With Benefit of Counsel" and "Living Under the Law"——were purchased for showing to adult audiences. We encouraged the showing of these films along with short speeches by local lawyers to service and civic clubs. Speech outlines were sent to each member of the committee and were in turn furnished to lawyers in each area as guides for addresses to local clubs.

The committee also joined with the Jackson Junior Bar Association in sponsoring two television programs during the year.

While all of the committee members did not send in adequate reports on their work during the year, we do know that seventy-eight radio forums were held on legal subjects of general public interest, seven half hour forums were televised, films were shown in fifteen localities, and ten thousand pamphlets entitled "Meet Your Lawyer" were ordered. These have not arrived but will be distributed by banks throughout the state as soon as they arrive.

Of the $1500.00 made available to this committee for its work, $1008.36 was spent

prior to the audit on May 15, 1954, and $133.80 has been spent since then. Total expenditures——chiefly represented by the purchase of the film———were $1142.16.

The committee makes the following recommendations:

1. The new President should appoint a new chairman and the two should cooperate in naming the members of the committee.
2. The new committee should be appointed as soon as possible after the election of new officers, so that plans can be laid and activities initiated with a minimum of delay.
3. In the light of past experience, the membership of the committee should be increased to twenty-five members.
4. The sum of $1500.00 should again be alloted to public relations work.
5. The succeeding committee should continue to carry on the work already begun, in addition to instituting any new programs that they feel are justifiable.

REPORT OF RESOLUTION COMMITTEE

RESOLUTION

WHEREAS, The Mississippi State Bar, assembled in convention at Biloxi, Mississippi, being desirous of upholding the dignity and prestige of the Circuit Judges and Chancellors of their respective districts in the State of Mississippi and realizing the importance and responsibility in connection with the office held by the said Circuit Judges and Chancellors, desire to offer this resolution as a matter of public service, and

WHEREAS, it is imperative that the State of Mississippi keep pace with other states in the fixing of salaries that should be paid their Circuit Judges and Chancellors and realizing further that it is the intention of the Legislature and the desire of the people of this State, as well as the Mississippi State Bar, that proper standards of pay be maintained at the proper level commensurate with other public officials of the State of Mississippi in the degree of the importance of the office, and

WHEREAS, it is the will of the members of the State Legislature that said Circuit Judges and Chancellors' salary be raised to $9000.00 per year, that said will is evidenced by the bill for said raises easily passing the House and would have passed the Senate, except for an inadvertent error in bringing the matter up at the last day of the Session, and

WHEREAS, it is important to the people of the State of Mississippi that their Judicial officers maintain a high standard and that the salaries should be raised to attract the best legal talent in the State of Mississippi to aspire to said high offices.

NOW, THEREFORE, BE IT RESOLVED BY THE MISSISSIPPI STATE BAR ASSOCIATION, that we do respectfully petition and request his Excellency, Governor Hugh White, to submit the matter of the increase of the salaries of the said Circuit Judges and Chancellors of the State of Mississippi at the next special session of the Legislature when the same is called and we respectfully request his Excellency to bring this matter up promptly and to do everything within his power to expedite the passage of the bill.

RESOLUTION

WHEREAS, by recent decision the Supreme Court of the United States has declared unconstitutional the system of separate and equal public schools for the white and negro races, and

WHEREAS, the Court has thereby abandoned its former holdings which have existed for more than sixty-five years and has chosen to rest its conclusions upon a sub-

jective an psychological line of reasoning and to cast aside practical and well founded legal exactitudes, and

WHEREAS, the State of Mississippi, its Counties, Cities and School Districts, relying upon the long set law of this Country, as heretofore construed by the United States Supreme Court, have made extensive and heavy investments in plant, equipment and employment of professional teachers for a dual system of public schools and our citizens of both races are justly proud of the great progress made in this field, especially in recent years, and

WHEREAS, the questions now posed by the decision of the United States Supreme Court are of serious import to the welfare of the people of our State, and command the attention of our citizens, and

WHEREAS, in recognition of this, the Legislature of the State of Mississippi in recent session caused the appointment of The Legal Educational Advisory Committee of twenty-five persons, composed of the Governor, Lieutenant Governor, Speaker of the House, Chief Justice of the Mississippi Supreme Court, President of the Mississippi State Bar, the Attorney General, the State Superintendent of Education and other outstanding citizens to study the problem and to make proper and suitable recommendations and said Committee has already entered upon its work, and

WHEREAS, the Mississippi State Bar is a body composed of lawyers and Judges of our state, who are earnestly concerned with the local and domestic policies affecting the public schools of Mississippi,

NOW, THEREFORE, BE IT RESOLVED BY THE MISSISSIPPI STATE BAR, in convention assembled, that our organization take note and cognizance of the work being done by The Legal Educational Advisory Committee and the general importance of its deliberations and efforts and we pledge to it our active interest, support and assistance to the end that justice may be promoted, Public tranquillity and harmony maintained and the best interests of the citizens and school children of both races may be served and safeguarded.

BE IT FURTHER RESOLVED that the incoming President of the Mississippi State Bar extend to The Legal Educational Advisory Committee, through appropriate Bar Committees, the services of the Mississippi State Bar.

REPORT ON STANDARDS OF ADMISSION TO THE BAR

For eight years we have been attempting to raise the standards of admission to the Bar in Mississippi. This year we again presented the bill which was unanimously approved by the Mississippi State Bar eight years ago and this time it was passed. This changes the standards which have been in effect for over one hundred years.

The requirements now include: (1) presentation of a birth certificate and (2) junior college literary education and two years training in the law in addition to the equivalent of a high school education. The training in the law may be either in the Law Schools accredited by the Association or approved by the Board of Examiners or in a law office recommended by the Committee. The attorney in whose office the apprentice is studying must file periodic reports to be approved by the Board.

This legislation was passed by the closet of margins and its passage, along with the other legislation on which the Legislative Committee has already reported, shows that the legislature will cooperate with the Bar.

REPORT OF STUDY COMMITTEE

At the last convention of the Mississippi State Bar in June, 1953, this body approved a number of recommendations made by the Study Committee. Twelve bills were introduced to the Mississippi Legislature in pursuance of the Study Committee's

recommendations as approved by the Bar. Of these twelve bills, seven were passed by the legislature and approved by the Governor.* The remaining five bills are meritorious, and have been approved by the Bar in at least two separate conventions. We therefore recommend that the next Study Committee retain them on its agenda for presentation to the next session of the legislature. In addition, the Study Committee makes the following recommendations:

Item. I. In view of the limited statutory law we now have on the subject, Mississippi needs positive legislation in the field of trusts administration for the protection of those who place or leave their estates in trust and for their beneficiaries and for the guidance and protection of those charged with the administration of such trusts. The Uniform Trusts Act and the Texas Trust Act, with revisions to meet local needs, might well provide the bases of proper statutes on this subject. The Uniform Trustees Accounting Act, in a more simplified form, would probably establish the minimum administrative accounting necessary to the protection of the trust. Irrespective of the form such legislation might take, your Committee is convinced of the need for trusts administration legislation, and recommends that the next Study Committee be authorized and directed to study this subjec further and to make specific recommendations to the next convention of the Bar to carry out this resolution.

Item II. The Committee recommends that the next Study Committee give consideration to the need for a statute providing for a uniform method of appeal from decisions of administrative agencies, applicable either where there is no method otherwise provided, or where there is an alternate method of appeal; and to prepare a bill to effectuate any conclusions which may be reached.

Item III. The Committee recommends that the next Study Committee be requested to consider the need for statutory provisions regarding receiverships, and to prepare the proper bills for that purpose.

Item IV. The Committee recommends that the next Study Committee be requested to study the feasibility of improving the present deposition statutes, with particular reference to possible amendments of Code of 1942, Sections 1659, 1707 and 1712.

Item V. The Committee recommends that the next Study Committee be requested to make a study of existing court procedures, for the purpose of ascertaining the respects in which they can be made more equitable and speedy; to cooperate with any other State Bar committee working on matters of this nature; and to report back to the next Bar convention its recommendations on his subject.

Item VI. The State Bar Convention in 1953 passed a resolution directing the Study Committee to make a study of the best methods of abolishing Justice of the Peace courts and establishing in their place a system of courts whose judges would be licensed lawyers; and to prepare the necessary constitutional amendments and bills to carry out this purpose. After giving this matter much time and thought, we have concluded that it is of such a serious and substantial nature as to require considerably further study before any workable recommendations can be made. We suggest that the next Study Committee be requested to continue examination of this matter and to report back on it to the next State Bar Convention.

Item VII. The Committee recommends that the Study Committee of the State Bar and the Code Study Committee of the Junior Bar Section be authorized and requested to meet and work together on their several projects and studies, insofar as feasible. Both Committees have the same essential functions and purposes, and we think they can operate together more effficiently and effectively than they could separately.

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*For details concerning these bills see the Report of the Legislative Committee.

REPORT OF THE DELEGATE TO THE AMERICAN BAR ASSOCIATION (JR. BAR)

Mr. Harry Hoffman, delegate to the Convention of the American Bar Association reported that the American Bar Association met in session for three days in meetings lasting from nine o'clock in the morning until five in the afternoon.

The Junior Bar herein this state is well recognized as an official Junior Bar Section of the American Bar. There were about 45 states represented, and the business consisted mainly of round table discussions. Mississippi was rated very high. A fellow member of the Mississippi Junior Bar Association, Bob Nichols was elected as a member of the Executive Committee of the Junior Bar Section of the American Bar Association.

It was explained there the plan of the Connecticut Junior Bar Section which put on what they call a Practicing Law Seminar. The purpose of this is to attempt to teach young law gradnates some of the practical aspects of the practice of law. It was suggested that this plan could be adapted for use in all the states. The delegate suggested that this plan would be an excellent service to young lawyers in Mississippi.

REPORT OF THE EXECUTIVE COMMITTEE (JR. BAR)

The Executive Committee recommends that this Section recommend to the State Bar the following matters:

1. That it continue and expand the Public Relations and Information Program which has heretofore been carried on.

2. That it encourge the formation and activities of the regional and local bar associations.

The Executive Committee recommends that the Junior Bar Section endorse the publication of the *Mississippi Lawyer* magazine, and we recommend it be continued.

The Executive Committee further recommends:

1. That the Junior Bar Section cooperate with the Junior Bar Conference of the American Bar Association in promoting membership in the American Bar Association by members of our state bar.

2. That the Junior Bar Section study the matter of sponsoring a practicing law seminar in Mississippi.

REPORT OF THE JUNIOR BAR SECTION

The Junior Bar Section functioned during the past year through the following committees: Public Information Committee, under the chairmanship of Clarence Morgan, Jr. of Koscinsko; the Statistical Information Committee, under the chairmanship of Robert Nichols of Jackson; the Unauthorized Practice of Law Committee, under the chairmanship of William S. Turner of Aberdeen; the Local and District Bar Associations Committee, under the chairmanship of J. O. Pride, III of Amory; the Legislative Committee, under the chairmanship of Charles B. Henley of Jackson; and the Code Study Committee, under the chairmanship of John K. Keyes of Collins. The work of all these committees was coordinated and supervised by the Executive Committee.

During the past year we continued to sponsor, or co-sponsor, the following institutes, seminars and programs: the Jackson Junior Bar Institute, sponsored jointly with the Hinds County Bar; the Lawyers and Certified Public Accountants Tax Institute; and the Estate Planning Conference.

This year the Junior Bar has five recommendations which we could like to present to the Mississippi Bar:

1. We recommend that the program on Public Information be continued and that a major portion of the budget funds be alloted to this function. We commend the persons responsible for the publication of the Mississippi Lawyer and recommend that it be continued as a project of the Bar as a whole.

2. We recommend that further work on local and district bar association levels be encouraged. We believe that the Junior Bar should continue to cooperate with the American Bar Association in endeavoring to encourage membership on behalf of the members of our section in the Junior Bar Conference of the American Bar Association.

3. We recommend that a committee be apointed to study the by laws of this organization and report any changes, revisions or new by laws that might help this organization conduct its business more efficiently.

4. We recommend that a Practicing Law Institute be set up for the young lawyer just entering the practice of law. This plan is one which has been used with great success in other parts of the country and one which the Junior Bar is planning to set up this year.

5. We recommend that the annual conventions of this association be held at a site to be designated by a vote on the convention floor and at a hotel to be selected by a board of bar commissioners

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REPORT OF THE EIGHTH ANNUAL LAW INSTITUTE (JR. BAR)

The Eighth Annual Law Institute was held in Jackson in December with a large attendance. People who helped make it a success were the members of the Jackson Junior Bar Association and State Junior Bar Association and representatives of the University Law School.

Among the outstanding speakers were Dean Roscoe Pound, Mr. Sam Horowitz, Professor Arthur Larson, the Assistant Secretary of Labor, Dean Sturges, Joe Daniels, Dan Shell, and George Butler.

The Ninth Annual Law Institute will be held this year in Jackson with Jack Travis as chairman. The theme of this institute will be primarily Damages. It will take place Friday and Saturday, December 3rd and 4th.

Among the speakers slated for appearance at the Ninth Annual Law Institute are Mr. Alvin Christovitch of New Orleans, former Governor Payne Radner of Arkansas, Mr. Harry Booth of Shreveport, and tentatievly Sam Raybun.

REPORT ON LEGAL AID (JR. BAR)

Last year the Jackson Bar Association reported to this Association that it had established a Legal Aid Society. This report contained a brief summary of the purpose of the Society, the steps taken in organizing a corporation and setting an office in the matter that had been handled to that date. At the request of your president, we wish to submit the following report on the activities of the organization since last year.

Legal Aid had handled, to completion, 129 cases from its beginning in January, 1953, down to May 18th, 1954, a period of approximately sixteen months. This does not include the work that is done by the lawyers on duty through conferences with case workers from the various agencies or correspondence. It does not include numerous instances in which the lawyer on duty gives advice and counsel to those who do

not have a time consuming legal problem, nor does it include a great deal of interstate correspondence by the officers of the corporation.

Those matters which were classified as individual cases originated from the following sources: Family Service Association, 37; Hinds County Welfare Department, 50; Attorneys, 19; Physicians, 3; Red Cross, 1; Chancery Court, 6; Alcoholics Annoymous, 3; Jackson Public Schools, 2; Youth Counsellor, 1; Salavation Army, 4; Veterans Administration, 1; Sheriff, 1; and other agencies, 1.

Many different types of problems have been handled. The most common matter concerns the non-support of the wives and children by irresponsible husbands, ex-husbands and fathers. Three Petitions for the custody of children were handled. Eight petitions for admission to the State Hospital for drug addiction, one combination drug and alcoholic, and seven petitions for alcoholics have been handled. Ten guardianships have been appointed. Two divorce cases have been handled. Other matters include a Petition for the removal of disabilities of minority, Petition for adoption, Suit for separate maintenance and support, and the preparation of several affidavits and other instruments.

There are several cases presently pending, which are being handled by the Legal Aid Office. During the period covered by this report, 59 Jackson lawyers have served on more than one occasion, and their willingness to participate in this program, on a voluntary basis, has been one of the primary reasons for the success of this organization.

As we reported last year, it is not the duty of the members of the Bar to provide the necessary services for the poor, but rather it is the duty of all the citizens of the community. Our organization has petitioned the United Givers fund of Jackson to be included in its campaign and budget for the year 1955. The Counsel of Social Agencies has requested that Legal Aid participate in their activities, and we feel certain that we will be included in the United Givers budget for the coming year. If so, we will be in a position to employ a young attorney to supervise the office and carry out the necessary legal matters that arise. This continuity of personnel adds greatly to the effectness and efficiency of the service, and this procedure is recommended by the National Legal Aid Association.

We have had several inquiries from County Bar Associations throughout the State. We feel that a Legal Aid Organization can effectively operate in the more populated counties throughout Mississippi and we urge the Bar Association in those areas to adopt some program suitable to their community. The practical success will more than compensate for the time and effort necessary to establish a Legal Aid program. We have supplied some Bar Associations with copies of our By-Laws and other information dealing with our organization, and we will be glad to assist all of those who call on us in this connection.

REPORT OF THE PUBLIC INFORMATION COMMITTEE (JR. BAR)

The Public Information Committee of the Junior Bar has integrated its work primarily with the Public Relations Committee of the Senior Bar. A complete report on the recommendations will be delivered to the Convention later by that group.

The Junior Bar Section is informed of the recommendation by this committee that a booklet which would serve as a handbook of information for trial jurors should be prepared by the Junior Bar Section for distribution to all jurors in Mississippi. This booklet would explain to them delays in lawsuits, trial procedures, and the duties of jurors. It should be similar to such a booklet published for Alabama jurors by the Mobile Bar Association. That booklet is offered here with the recommendation that it be studied, revised and distributed.

PRESIDENT'S REPORT ON REGIONAL MEETING OF A.B.A. (JR. BAR)

The regional meeting of the American Bar Association was held in Atlanta in March with conferences and seminars held by Junior Bar personnel from the various states represented.

It seemed that the Mississippi Junior Bar Section was further advanced than in most states. It also seemed somewhat common in most sections for the Junior Bar to run a competitive bar rather than a cooperative bar as in Mississippi.

Great emphasis was noted throughout the region on the public information segment of the work of Junior Bar Sections.

Another big effort is that being exerted toward legislation in the various states assuring an attorney appointed by the court compensation if the defendant is accused of a capital crime. Correllative to this was the effort to get legislative sanction for an expense account for such court appointed attorneys to spend up to $50 investigating the case, if necessary. This could include psychiatric examination.

Other than these things, there was little proposed that would be of interest to the Junior Bar Section of Mississippi.

REPORT OF THE STATISTICAL COMMITTEE (JR. BAR)

During the past year, the Statistical Committee of the Junior Bar Section mailed questionnaires to a representative group of the members of the Mississippi State Bar as a whole. A total of 600 questionnaires were returned to the Committee, and all computations and percentages herein contained are computed on the basis of that total. All percentages are figured to the nearest tenth of one percent. These percentages will, of course, be subjct to a slight smapling error.

Column One (1) is the total number of ballots returned.

Column Two (2) is the percentage of the total ballots. For example, with regards to item No. 3 on the schedule: Column 2 will reflect that 51.7% of the schedules returned made no estimate of the average income derived from the practice of law, and 7% estimated said income to be less than $4,000.00 etc.

Column Three (3) is the percentage distribution based on the number of questionnaires which supplied a definite answer to the respective item. For example, with regards to item No. 3, it may be seen that approximately 7% of those answering this item set the average income of the attorney at $10,000.00 or more, etc.

SCHEDULE

	Column (1) (Total number of ballots returned)	Column (2) (Percentage of total ballots)	Column (3) (Percentages of total items answered)
1. Are you now actively engaged in the practice of law?			
YES	474	79	79
YES	126	21	21
2. What type of law business constitutes the majority of your practice?			
	Column (1)	Column (2)	Column (3)
General	206	34.3	52.3
Land	62	10.3	15.7
Insurance	34	5.7	8.6
Chancery	32	5.3	8.1
Corporate	22	3.7	5.6
Oil & Gas	22	3.7	5.6
Criminal	16	2.7	4.1

3. What is the average income that the attorney derives from law practice in your county?

Under $40000	42	7.0	14.5
$4000-4999	54	9.0	18.6
$5000-5999	72	12.0	24.8
$6000-6999	36	6.0	12.4
$7000-7999	56	9.3	19.3
$8000-8999	10	1.7	3.4
$10,000 or more	20	3.3	6.9

4. In your opinion, are there too many lawyers now practicing in your county?

YES	278	46.3	54.5
NO	232	38.7	45.5

5. Are you in favor of raising the standards so as to require at least two years of college training before an individual would be allowed to attempt to pass the examination given by the State Bar Examiners?

YES	290	48.3	78.8
NO	78	13.0	21.2

6. Are you in favor of raising said standards still further?

YES	392	65.3	76.3
NO	122	20.3	23.7

7. In your opinion, what relative position does the lawyer occupy in the estimation of the public in your county?

Very High	82	13.7	15.5
High	144	24.0	27.3
Average	154	25.7	29.2
Low	126	21.0	23.9
Very Low	22	3.7	4.2

REPORT OF THE COMMITTEE ON THE UNAUTHORIZED PRACTICE OF LAW (JR. BAR)

The Committee on Unauthorized Practice of Law received only one complaint during the year. The committee attempted to make investigation with the idea of taking action, but found that the situation had cleared up without the Committee having to take any action.

While the report of only one violation would lead us to believe that everything is fine insofar as unauthorized practice of law in Mississippi is concerned, it did come to the attention of the Committee that the usual violations by banks, justices of the peace, etc., continued.

The committee would recommend that the local bar associations should go ahead and take action without calling upon the committee whenever a situation develops that requires action.

APPENDIX B

DIRECTORY

MISSISSIPPI STATE BAR

AUGUST 12, 1954

ABERDEEN

Richard B. Booth
Kenneth Bullock
J. M. Coleman
William Sessions Dickson
205 High Street
G. M. Holmes
133 E. Commerce St.
Drawer 110
D. W. Houston, Jr.
Watkins Bldg.
D. W. Houston, Sr.
Watkins Bldg.
George W. Howell, Jr.
McDuffie Bldg.
P. O. Box 476
Tom F. Paine
Paine Bldg.
Robert D. Patterson
Box 136
Johnny N. Tackett
Box 157
John S. Therrell, Jr.
Box 424
William S. Turner
Box 386

ACKERMAN

Jack B. Carlisle
William Dewitt Coleman
James Dennis Dobbs
Robert E. Nason
Bennett E. Smith

AMORY

John E. Johnson
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James A. Pinnix
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J. O. Prude, III
P. O. Box 124
D. Houston Streetman
Jack N. Thomas
Box 267
Fred P. Wright
Griffin Bldg.

ASHLAND

John B. Farese
L. Hamer McKenzie

BALDWYN

Judge Allen Cox
Federal Court
W. H. Cox
M. Paul Haynes

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Joseph E. Johnson
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Genin Bldg.
Lucien M. Gex
Merchants Bank &
Trust Co. Bldg.
W. J. Gex
Merchants Bank &
Trust Co. Bldg.
Edward I. Jones
Cornelius Joseph Ladner
Box 412
Walter J. Phillips
Merchants Bank &
Trust Co. Bldg.
Dan M. Russell, Jr.

BAY SPRINGS

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J. A. McFarland, Jr.
Robert H. McFarland
O. M. Oates
Box 25
Roy L. Osborne
J. L. Thompson
J. E. Ulmer, Jr.
P. O. Box 1

BELMONT

L. P. Allen, Jr.

BELZONI

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H. F. Jones
V. B. Montgomery
Box 277
Linton D. North
L. G. North
Rugh R. Varnado
Box 277
Lucian R. Wadlington
Box 355
W. D. Womack, Sr.
W. D. Womack, Jr.

BEULAH

Dixon Dossett

BILOXI

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L. H. Doty
1730 West Beach
Judge Leslie B. Grant
Circuit Court
Daniel D. Guice
First Bank of Biloxi Bldg.
Jacob D. Guice
First Bank of Biloxi Bldg.
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Box 153
Louis Hengen
215 Barq Bldg.
Mrs. Clara Sekul Hornsby
Barq Bldg.
Abner E. Hughes
V.F.W. Bldg.
214 Lameuse St.
Carroll B. Ishee
P. O. Box 646
Albert S. Johnston, Jr.
Box 214
Arnaud O. Lopez
Barq Bldg.
James S. Love, Jr.
Hotel Buena Vista
Howard McDonnell
Barq Bldg.
Roy J. McGee
217 Porter Ave.
Lt. Walter L. Nixon, Jr.
1406 Belvedere Dr.
Lyle M. Page
1516 West Beach

Claude F. Pittman, Jr.
P. O. Box 648
Victor B. Pringle
Pringle Bldg., Box 24
Jules A. Schwan
P. O. Box 272
John Sekul
203 Barq Bldg.
Lawrence Semski
224 Myrtle St.
J. D. Stennis, Jr.
Pringle Bldg.
Box 24
E. C. Tonsemeire, Jr.
Peoples Bank Bldg.
H. Warren Tool
Box 97
Walter J. Wadlington
Peoples Bank Bldg.
P. O. Box 2
Thomas L. Wallace
Barq Bldg.
Box 2
Thomas J. Wiltz, Jr.
Peoples Bank Bldg.
Box 397
George E. Winkler
125 West Pine St.
Pass Road Gardens

BLUE SPRINGS

F. L. Hutchinson

BOLTON

Albert M. Graham

BOONEVILLE

William H. Brewer
Clarence Chase
Schultz Bldg.
Thomas H. Comer
Box 24
F. W. Cunningham
J. A. Cunningham, Jr.
Jabes A. Cunningham, Sr.
J. E. Cunningham
Ellis W. Finch
J. Sidney Finch
Donald Franks
James N. Godwin
P. O. Box 148
Judge Raymond T. Jarvis
Circuit Court
E. K. Windham

BRANDON

Judge W. E. McIntyre
Circuit Court
W. E. McIntyre, Jr.
John C. McLaurin
J. C. Murray
Box 7
John C. Murray, Jr.
Box 7
J. David Williams

BROOKHAVEN

Emmette P. Allen
State Bank &
Trust Co. Bldg.
E. C. Barlow
State Bank &
Trust Co. Bldg.
Judge Tom P. Brady
Drawer 548
Tullius Brady
West Chickasaw St.
Charles Emmette Brennan
P. O. Box 9
E. F. Brennan
Box 9
Mike L. Carr, Jr.
P. O. Box 263
Buell R. Carty
Perkins Bldg.
Box 677
William P. Cassedy
Perkins Bldg.
A. A. Cohn
Panzica Bldg.
J. O. Day
Rt. 2, Box 23-A
Hwy. 84-West
L. R. Featherstone
324 Cassidy Ave.
George H. Gulley, Jr.
Box 317
H. W. Hobbs
Panzica Bldg.
Box 356
Henry W. Hobbs, Jr.
Box 356
Robert Edmondson Jones
State Bank &
Trust Co. Bldg.
R. L. Jones
State Bank &
Trust Co. Bldg.
J. F. Noble, Sr.
Box 4
James F. Noble, Jr.
Box 4
Mrs. Mildred Norris
Inez Hotel
R. Pearce Phillips
Storm Bldg.
Mrs. Elsie Cambre Purser
514½ W. Chippewa St.
Owen Roberts
Brady Bldg.
R. E. Straton, III
State Bank &
Trust Co. Bldg.
Terry S. Swalm
Swalm Bldg.
Hugh V. Wall
State Bank &
Trust Co. Bldg.
J. Meridith Wood
Johnson Bldg.
Box 1034

BRUCE

Jesse Lee Yancy, Jr.
Box 62

CALHOUN CITY

Wm. Walter Brown
Box 146
W. J. Evans
Paul M. Moore
A. T. Patterson

CAMDEN

Edgar Lee Walker

CANTON

James Paul Arbuthnot
James Manning Cain
104 North Liberty St.
S. Robert Cain, Jr.
William Sterling Cain
Nelson R. Cauthen
Hermon Dean
Joe R. Fancher, Jr.
Box 281
J. M. Greaves
Box 128
G. B. Herring
First Natl. Bank Bldg.
P. O. Box 344
Miss Josephine Hood
H. T. Huber
D. C. McCool
Box 172
Percy F. Parker
Levy Bldg.
Robert H. Powell
Box 245
Robert H. Powell, Jr.
Box 245
Tip Ray
R. H. Shackleford
L. G. Spivey
J. Collins Wohner

CARROLLTON

Maurice R. Black

NORTH CARROLLTON

J. C. Neill
W. C. Neill
Peoples Bank & Trust Co.

CARTHAGE

Joe Paschal Barnett
O. H. Barnett, Jr.
Tom J. Barnett
Harold W. Davidson

Earl Leroy Grimes
J. O. Hollis
S. H. Sasser
Drawer 31
J. E. Smith
Box 202
A. M. Warwick
Marvin T. Wooten

CENTREVILLE

James W. Leake
P. O. Box 9507

CHARLESTON

James A. Blount
J. H. Caldwell, Jr.
Drawer 112
George P. Cossar

CLARKSDALE

Alvin Binder
732 West Second
William L. Birdsong
132 Stevens Bldg.
M. D. Brett
Drawer 722
E. Cage Brewer, Jr.
Box 306
Ed C. Brewer
Box 306
V. J. Brocato
Box 509
Rodney Brooks
Coahoma Co. Bank Bldg.
K. A. Carney
Neil Clement
Stevens Bldg.
Martin D. Cook
U. S. F. & G. Co.
John W. Crisler
319-320 McWilliams Bldg.
Chester Harris Curtis
Box 368
Pascal D. Holcomb
Box 368
Joe W. Hopkins
Box 382
James T. Kendall
P. O. Box 149
Judge R. H. Kirby
Jerome F. Leavell
Box 306
C. S. Longino
Coahoma County
Bank Bldg.
Stovall Lowery
McWilliams Bldg.
Semmes Luckett
P. O. Box 306
William O. Luckett
P. O. Box 306
Fletcher F. Maynard
Drawer 480
G. F. Maynard, Jr.
Drawer 480
William H. Maynard
Drawer 480
Leighton S. Miller
Box 715
T. H. Pearson
330 Oakhurst
Leon L. Porter, Jr.
Box 339
J. L. Prude
Box 774
Jack L. Ritter
Box 368
J. Lake Roberson
121 Yazoo Ave.
Shed Hill Roberson
121 Yazoo Ave.
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Glover A. Russell
Box 366
Lester M. Sack
Box 626
Abe Sherman
421-22 McWilliams Bldg.
Charles L. Sullivan
P. O. Box 371
J. M. Talbot
McWilliams Bldg.
Harley A. Weeks, Jr.
Box 685
E. F. Whittington
Box 181
Clarksdale, Miss.
Howard G. Woodward
Box 876
E. M. Yerger
201 McWilliams Bldg.

CLEVELAND

W. B. Alexander
Alexander-Feduccia Bldg.
112 North Pearman Ave.
William B. Alexander, Jr.
Alexander-Feduccia Bldg.
112 North Pearman Ave.
Sidney F. Beck
Robinson Bldg.
William H. Bizzell
Drawer 1031
H. F. Causey
Ancil L. Cox, Jr.
C. J. Craggs
C. H. Crump
Joseph C. Feduccia
Alexander-Feduccia Bldg.
112 North Pearman Ave.
Judge Ed. H. Green
Circuit Court
Lonnie E. Griffith
Box 552
Robert Milton Hytken
Box 367
Judge Robert E. Jackson
Chancellor
R. E. Jackson, Jr.
Charles C. Jacobs, Jr.
W. D. Jones
220 Pearson Ave.
Alfred A. Levingston
Drawer 1031
William E. O'Hare
P. O. Box 630
W. W. Simmons
Albert Benjamin Smith, Jr.
Owen Building
John T. Smith
Box 630
Abe D. Somerville
P. O. Box 387
A. B. Sparkman
Carmon E. Valentine
127 South Court St.
John White Valentine
127 South Court St.
Frank O. Wynne, Jr.

CLINTON

Frank S. Cannon
Box 126
Gladstone E. Williams
P. O. Box 176

COFFEEVILLE

J. P. Stone
W. I. Stone

COLLINS

E. L. Dent
W. W. Dent
George E. Gleason
J. D. Kervin, Jr.
John K. Keyes
Hugh McIntosh, Jr.
J. Martin Mooney
Miss Bonnie Smith

COLUMBIA

Vernon H. Broom
Rankin Bldg.
Bernard Callender
310-312 Newsom Bldg.
C. E. Conner
James Seaborn Dale, Jr.
Watts Bldg.
Box 603
R. H. Dale
Box 623
Judge Sebe Dale
Circuit Court
James R. Davis
Box 129

Roy J. Goss
210-11 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Kelly J. Hammond
Box 569
Michael H. Lawless
Newsom Bldg.
Henry Mounger
Suite 216, Newsom Bldg.
Henry E. Pope
Box 569
Ben Mounger Rawls
H. C. Rawls
Philip Singley
309 Newsom Bldg.

COLUMBUS

William Ellis Bearden, Jr.
518½ Second Avenue, N.
William G. Burgin Jr.
516 2nd Avenue N.
H. T. Carter
522 - Snd Ave., N.
John F. Frierson
Box 744
Charles L. Garnett
Box 1001
John H. Holloman
512 - 2nd Ave., N.
W. H. Jolly
514 - 2nd Ave., N.
Roger C. Landrum
Box 304
T. W. Lewis, Jr.
Box 152
George L. Lucas
519 North And Ave.
Ben Owen
508-10 Second Ave., N.
J. O. Sams
514 - 2nd Ave., N.
John F. S. Sims
1124 N. 11th Ave.
W. L. Sims
1124 N. 11th St.
Douglas Clyde Stone
Commercial Dispatch Bldg.
R. C. Stovall
Box 591
W. J. Threadgill
512 - 3nd Ave., N.
Henry K. Van Every
518½ Second Ave., N.
P. O. Box 1032
Richard L. Watson
1309 - 4th Ave., N.
Robin Weaver
Box 253

CORINTH

W. C. Adams
Fernand D. Brackstone
Box 646
H. A. Hopper
Frank K. Hughes
715 Foote St.
Ely B. Mitchell
Joe B. Mitchell
Rubel Lex Phillips
Box 906
James E. Price, Jr.
Box 866
H. M. Ray
Box 907
William L. Sharp
Box 844
Robert L. Shirley
304 Childs Street
Orma R. Smith
Nat'l Bank of Commerce Bldg.
Cary Stovall
201 Chambers-Liddon Bldg.
N. S. Sweat
N. S. Sweat, Jr.
W. C. Sweat
W. C. Sweat, Jr.
B. F. Worsham
Box 146

CRAWFORD

Brown C. Hairston

CRYSTAL SPRINGS

Willie M. Broome
William D. Carmichael
Laurin W. Ware
Box 246

DECATUR

Carey Egbert Bufkin
Route 3
R. H. Day
William H. Johnson, Jr.
Box 171

DEKALB

J. H. Daws
J. T. McCully
Box 1456
Miss Helen J. McDade
Box 1562
Louie P. Spinks
Box 1476

DREW

O. M. Marsalis
Pascal J. Townsend, Jr.
Merchants & Planters Bank Bldg.

DURANT

Carl F. Drake
Calvin R. King
Box 91
S. R. King
James A. White

EDGEWATER PARK

Frederick Joseph Mannino

EDWARDS

John M. Kendrick

ELLISVILLE

Glender Dennis
George D. Maxey
Box 355
L. K. Saul
Courthouse

EUPORA

J. E. Eudy
W. D. Gary
J. R. Griffin
Walter B. Meek
Judge R. F. Sugg
Chancellor

FAYETTE

Harry L. Corban
R. L. Corban, Jr.

FOREST

T. Marx Huff
Drawer 179
William A. Huff
Drawer 179
Osborn G. Edon
Box 115
Roy Noble Lee
Howard B. McCrary, Jr.
F. F. Mize
Palace Theatre Bldg.
R. L. Nichols
Drawer 179
Roby L. Stegall
Wm. Carl Thompson
O. B. Triplett, Jr.
Box 247

FULTON

J. H. Brown
Wm. Herman Camp
A. T. Cleveland
W. L. Elledge
Percy A. Martin
Box 91
Royce L. White

GLOSTER

James C. Anders
Fred A. Anderson

Walker Jean Carney, Jr.
J. T. Lowrey
Amite Co. Bank Bldg.
Joe Upton
Gwyn Dale Whittington

GREENVILLE

Edward J. Bogan
Weinberg Bldg.
Roy D. Campbell
203 Weinberg Bldg.
George L. Cottingham, Jr.
Greenville Buick-Pontiac Co.
P. O. Box 655
Fountain D. Dawson
Leyser Bldg.
P. O. Box 2951
Albert Dickens, Jr.
Box 127
Howard Dyer, Jr.
326 Weinberg Bldg.
Kenneth F. Edwards
Weinberg Bldg.
Box 216
H. P. Farish
Weinberg Bldg.
Drawer 663
Holland O. Felts
P. O. Box 298
Joe Ivy Gillespie
429 Weinberg Bldg.
Jerome S. Hafter
429 Weinberg Bldg.
James Robert Harland, Jr.
714 Arnold Avenue
Emmet Harty
205-08 Weinberg Bldg.
William C. Keady
203 Weinberg Bldg.
Ernest Kellner
Weinberg Bldg
Ernest Kellner, Jr.
Weinberg Bldg.
Raymond V. Kimble, Jr.
205-08 Weinberg Bldg.
J. A. Lake, Jr.
429-432 Weinberg Bldg.
Joseph W. Lloyd
307 Weinberg Bldg.
Robert T. Love
Drawer 650
Joseph B. Machey
Box 127
Philip Mansour
Woolworth Bldg.
W. M. McGough
Weinberg Bldg
W. L. McIlwain
Box 78
Hainon A. Miller
211-12 Weinberg Bldg.
S. Ira Pittman, Jr.
401 Weinberg Bldg.
Judge Zelma Price
114 N. Shelby St.
Eugent J. Raphael
Weinberg Bldg.
Box 314
James Robertshaw
Weinberg Bldg.
Box 24
George Ramsey Russell
Weinberg Building
Capt. George J. Schweizer, Jr.
851 McAllister Ave.
Laurence J. Sievers
418 Weinberg Building
Earl Solomon
Weinberg Building
E. B. Taylor
Leyser Bldg.
Box 528
Judge S. B. Thomas
Chancellor
W. S. Thompson
Weinberg Bldg.
Charles S. Tindall, Jr.
429 Weinberg Bldg.
Charles W. Wade
Leyser Bldg.
John C. Webb
211 Weinberg Bldg.
Burwell B. Wilkes
416 Weinberg Bldg.
Joseph E. Wroten
P. O. Box 2765
William T. Wynn
429 Weinberg Bldg.

GREENWOOD

Edward J. Antoon
Box 417
A. H. Bell
Drawer 657
William H. Braden
903 Grand Blvd.
Norman C. Brewer
210 West Market St.
Arthar Bruce
Box 442
J. G. Colson
John J. Fraiser, Jr.
Courthouse
W. M. Hamner
Old Bank of Leflore Bldg.
Willie J. Heckler
1107 Mississippi Ave.
Means Johnston
Whittington Bldg.
Sam B. T. Jones, Jr.
c/o U. S. F. & G. Co.
Room 5, Wright Bldg.
Judge Arthur Jordan
Circuit Court
William Lynn Jordan
Box 263
O. L. Kimbrough
Box 516
Hardy Lott
Whittington Bldg.
R. Cunliffe McBee
Drawer 657
Robert A. McKee
P. O. Box 453
George Hite McLean
Box 516
Miss Pearl McLellan
1300 String Ave.
Gerald J. Montgomery
Paul D. Montjoy
Box 674
W. H. Montjoy
Box 906
Yerger Morehead
Frank K. Odom
P. O. Box 674
H. Talbot Odom
Box 674
Porter Peteet
James M. Pierce
c/o Staple Cotton Discount Corp.
210 West Market St.
M. F. Pierce
Wright Bldg.
Judge Charles Pollard
Old Bank of Leflore Bldg.
Gordon L. Smith
P. O. Box 906
D. G. Soper
Box 622
Alfred Stoner
Nelson E. Taylor
Drawer 865
D. Seth Wheatley, Jr.
115 Howard St.
William M. Whittington
W. M. Whittington, Jr.
P. O. Box 941
Fred Witty
P. O. Box 912

GRENADA

Thomas A. Bell
Heath Bldg.
P. O. Box 901
A. M. Carothers
McClain Bldg.
Dave W. Dogan, Jr.
U. S. Engrs. Propect Offices
Bradford Dye
Box 917
William H. Fedric
Roane Bldg.
Jay Gore, Jr.
Heath Bldg.
Box 901

F. C. Horton
First Street
Willia mA. Lomax
Grenada Bank Bldg.
Mitchell M. Lundy
17 Evans Bldg.
W. L. McDonough
17 Evans Bldg.
Marshall Perry
Evans Bldg.
Leon E. Provine
414 S. Main St.
William O. Semmes
Box 240
William F. Winter
Star Route 1

GULFPORT

Bidwell Adam
310 Hewes Bldg.
E. J. Adam, Jr.
300 Hewes Bldg.
Robert B. Adam
310 Hewes Bldg.
Frank W. Alexander
P. O. Box 178
Jo Drake Arrington
411 Hewes Bldg.
Harold Robert Barber, Jr.
P. O. Box 1023
Reese O. Bickerstaff
Salloum Bldg.
Ray Bryant
Suite 5, Salloum Bldg.
R. R. Buntin
504 Hewes Bldg.
Everett E. Cook
24th Avenue
Box 135
Bruce G. Cornell
506 Hewes Bldg.
David Cottrell, Jr.
Hatten Bldg.
Aubert C. Dunn
5th Flr., Hewes Bldg.
James Samuel Eaton
Hatten Bldg.
G. E. Estes, Jr.
1423 - 24th Avenue
William Estopinal
Medical Bldg.
Jason H. Floyd
Hatten Bldg.
Box -42
E. J. Ford, Jr.
201 Hatten Bldg.
Charles R. Galloway
304 Hewes Bldg.
John M. Gardner
205-07 Northrop Bldg.
D. M. Graham
Medical Bldg.
D. M. Graham, Jr.
Medical Bldg.
P. D. Greaves
408-10 Hewes Bldg.
Buchanan Heiss
1625 - 19th Avenue
Gaston H. Hewes
Hewes Bldg.
William G. Hewes
Hewes Bldg.
Box 454
A. C. Hutto
Box 312
Charles E. Kennedy
203 Barrett Bldg.
Eaton A. Long, Jr.
P. O. Box 759
Edward M. Linsey
Hewes Bldg.
Box 323
English Lindsey
Hewes Bldg.
Ewart G. Lindsey
Judge Luther W. Maples
26th Avenue
Ernest G. Martin, Jr.
Box 985
R. B. Meadows
Hewes Bldg.
Judge Sidney C. Mize
Federal Court
Webb Mize
404-07 Hewes Bldg.
George E. Morse
Hatten Bldg.
Mrs. Nancy Wood Morse
Hatten Bldg.
Stanford E. Morse
Hatten Bldg.
Stanford E. Morse Jr.
Hatten Bldg.
George F. Murrell
Hewes Bldg.
Harvey G. O'Conor
1410½ - 25th Ave.
P. O. Box 880
William R. Owings
Box 711
Owen T. Palmer, Jr.
2209 - 14th St.
Thomas N. Roberts, Jr.
P. O. Box 580
J. C. Ross
308-09 Hewes Bldg.
Box 178
Judge D. M. Russell, Sr.
Chancellor
John W. Savage
303-04 American
Legion Bldg.
Donald O. Simmons
Box 575
J. U. Simmons
Box 575
J. U. Simmons, Jr.
Box 575
Upton Sisson
P. O. Box 456
George R. Smith
Legion Bldg.
George R. Smith, Jr.
American Legion Bldg.
Hollis Calvin Thompson, Jr.
1136 Second
Robert W. Thompson, Jr.
400-08 Hewes Bldg.
Francis McRae Turner, Jr.
Office of General Manager
Miss. Power Co., Box 289
Harry G. Walker
2801 - 25th Ave.
R. A. Wallace
408 Hewes Bldg.
Douglas Knox White
Abstract Bldg.
Neil W. White
Box 144
T. J. White
Box 373
W. H. White
Abstract Bldg.
Mrs. Marguerite L. Williams
1805 - 19th Ave.

HATTIESBURG

J. S. Albritton
Geiger Bldg.
Cephus Anderson
316 Forrest St.
Lawrence Arrington
Box 1292
R. E. Arrington
P. O. Box 1292
Bruce C. Aultman
411 Carter Bldg.
B. H. Baker
Box 801
Jefferson C. Bell
210 Carter Bldg.
P. O. Box 24
Roy A. Bennett
325 West 4th Street
Irvin H. Bachalter
P. O. Box 506
J. M. Byrd
Carter Bldg.
Thomas P. Caldwell
Box 1368
Robert L. Calhoun
Box 461
Lester Clark
Magnolia State Building
Thurman L. Clark
Drawer 1391
Dudley W. Conner
Conner Bldg.

Harold B. Cubley
Box 969
E. J. Currie, Jr.
Ross Bldg.
George G. Currie
209½ Front St.
George W. Currie
510-12 Ross Bldg.
Overton A. Currie
119½ W. Front St.
Box 1
George C. Curry
P. O. Box 1209
Daniel W. Dabbs
P. O. Box 529
T. Price Dale
Geiger Bldg.
T. W. Davis, Jr.
P. O. Box 529
William F. Dukes
500 Tuscan Ave.
James Finch
Citizens Bank Bldg .
E. C. Fishel
316 Ross Bldg.
Lawrence Y. Foote
First Nat'l Bank Bldg.
Davis T. Fortenberry
411 Carter Bldg.
Evelyn Gandy
P. O. Box 526
Herbert R. Ginsberg
130½ E. Pine St.
Regionald A. Gray, Jr.
507-10 Carter Bldg.
Wallace R. Gunn
300 Forrest St.
P. O. Box 1174
Stanton A. Hall
617 Main St.
Judge William Haralson
Courthouse
F. C. Hathorn, Jr.
Rowland W. Heidelberg, Jr.
501-03 Citizens Bank Bldg.
Lamar Henington
801 Newman St.
Box 1429
Paul B. Johnson, Jr.
130½ E. Pine St.
W. Arlington Jones
Carter Bldg.
A. D. Katz
Box 27
A. F. Kelly
Geiger Bldg.
Karl W. Kepper
Emporium Bldg.
112½ E. Pine St.
Mrs. Marie P. Kepper
112½ E. Pine St.
Emporium Bldg.
Joe R. King
304-05 Citizens Bank Bldg.
Box 227
Alvin N. London
Frank D. Montague, Jr.
507-510 Carter Bldg.
Alfred Moore
111½ E. Front St.
Box 95
C. M. Morgan, Jr.
316 Forrest St.
P. O. Box 343
Forrest M. Morris, Jr.
215 E. Front St.
William H. Morrow
Box 567
Cecil A. Rogers
300 Forrest St.
William V. Murry
204 Conner Bldg.
Thomas D. Ott
3rd Flr., Citizens
Bank Bldg.
Claude F. Pittman
Box 227
Homer Pittman
Box 227
Morgan M. Pope, Jr.
Box 1463
M. M. Roberts
Citizens Bank Bldg.
Phillip Rolls
Central Bldg.
Box 1343
W. L. Shappley
P. O. Box 6
James Simrall, Jr.
411 Carter Bldg.
Judge Luther A. Smith
Chancellor
Ben Stevens
316 Forrest St.
P. O. Box 1381
Joseph Harvey Stevens
Box 1381
P. E. Stevens
309 Mable St.
Jack E. Stuart
P. O. Box 1448
C. W. Sullivan
Carter Bldg.
R. M. Sullivan
Box 648
T. Harris Sullivan
5th Flr., Ross Bldg.
Dan Garv Sutherland
617 Main St.
Joe Avery Thompson
Humble Oil & Rfg. Co.
Box 1368
J. Kearney Travis
Citizens Bank Bldg.
Drawer 590
T. J. Wills
Ross Bldg.
Earl L. Wingo
Citizens Bank Bldg.
Elliott T. Wooten
350 - 11th Ave.
Francis T. Zachary
112½ E. Pine St.
Box 24

HAZLEHURST

S. E. Allen, Jr.
Merchants & Planters
Bank Bldg.
John T. Armstrong
Bank of Hazlehurst Bldg.
Mrs. Ethel R. Arrington
Box 5
R. O. Arrington, Jr.
Box 5
Donald C. Cooley
P. O. Box 388
Judge J. F. Guynes
Chancellor
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bank of Hazlehurst Bldg.
Harvey H. Hutchins
68 Gallatin St.
W. Roger Jones
Box 509
Carroll Kemp
Wilson Bldg.
Benjamin King
Julius L. Letterhos, Jr.
Box 509
Miss Lena C. Zama
P. O. Box 108

HERNANDO

P. H. Bowdre
Gerald W. Chatham
Boyce Lee Garner
F. C. Holmes, Jr.
H. Grady Johnston
R. F. B. Logan
Joel P. Walker
W. E. Wilroy
Box 5
W. M. Everett
Box 65
S. E. McGee

HOLLANDALE

Paul N. Nunnery
Box 333

HOLLY SPRINGS

Fred M. Belk
Merchants & Farmers
Bank Bldg.

Fred M. Bush, Jr.
Box 377
Charles N. Dean
330 Salem Ave.
Wall Doxey, Jr.
Lester G. Fant, Jr.
Sidney L. Hurdle
First State Bank Bldg.
George Rather, III
L. A. Smith, Jr.
First State Bank Bldg.
Fred E. Swaney
Van Dorn Ave.

HOUSTON

H. B. Abernethy
W. W. Brand
Box 128
A. E. Hawkins
E. L. Lamar
Houston State Bank Bldg.
C. H. McCraine, Jr.

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Richard McNeil Allen
Billy K. Chapman
125 Augusta St.
A. B. Clark
Box 229
Arthur B. Clark, Jr.
Box 229
Robert D. Cohn
Box 286
Forrest G. Cooper
Peoples Bank Bldg.
Howard Q. Davis
F. Marion Featherstone
J. M. Forman
Jack E. Harper, Jr.
Peoples Bank Bldg.
Hugh H. Lumpkin
Gordon L. Lyon
J. H. Price
J. H. Price, Jr.
David M. Quinn, Jr.
Box 172
Stanny Sanders
Oscar B. Townsend

ITTA BENA

Cleveland Davis
Box 98
Perry W. Morton
Box 82

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J. O. Clark
J. D. Finch
Cecil Lamar Sumners

JACKSON

Lee B. Agnew
417½ East Capitol St.
Lee R. Aitchison
502 East Pearl St.
Chalmers W. Alexander
Box 1461
H. Chalmers Alexander
Century Bldg.
James A. Alexander
P. O. Box 977
James A. Alexander, Jr.
P. O. Box 977
Julian P. Alexander, Jr.
Box 1367
Hon. Paul G. Alexander
1013 Dep. Cty. Bank Bldg.
William P. Alexander
P. O. Box 1284
Mrs. Cecile Cambre Alford
1336 Olive St.
Sam S. Allred
P. O. Box 651
Lester Alvis, Jr.
P. O. Box 607
Judge R. Olney Arrington
Asso. Justice,
Supreme Court
New Capitol
B. G. Austin
516 East Pearl St.
Ralph B. Avery
Plaza Bldg.
William A. Bacon
P. O. Box 15
Hugh L. Bailey
421 Barnett-Madden Bldg.
Louis G. Baine, Jr.
Box 172
Joseph A. Baker
1409 Poplar
Charles T. Barber
1211 Kenwood Place
Box 1734
J. S. Barbour
P. O. Box 1818
Jackson 5
Henry E. Barksdale
300 Lamar Life Bldg.
James A. Barnett
414½ E. Capitol St.
John S. Beach
P. O. Box 663
Stephen L. Beach, Jr.
P. O. Box 663
Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
Walter Berry
c/o Cabell Electric Co.
Robert A. Biggs, Jr.
P. O. Box 1370
Louis S. Bills, Jr.
417½ E. Capitol St.
Box 586
Richard A. Billup, Jr.
520 N. President St.
Walter R. Bivins
235 Cooper Road
William P. Black
425 Vardaman Street
E. L. Bond
321 Swanee Drive
Grover L. Boone
P. O. Box 648
James A. Boone
P. O. Box 3035
West Jackson
Carl C. Bostic
414½ East Capital St.
M. P. Bouslong
P. O. Box 2607
West Jackson Sta.
Francis S. Bowling
617-20 Barnett-Madden
Bldg.
R. H. Bowling
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Box 78
Mack L. Boykin
Box 1231
Richard C. Bradley
2119 Alta Woods Blvd.
Mrs. Audrey W. Brand
508 East Capital St.
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210 Century Bldg.
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503 First Fed. Svgs. &
Loan Bldg.
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408 Lamar Life Bldg.
Box 1945
Harmon W. Broom
418½ E. Pearl St.
Box 1275
Bruce Brown
716 Arbor Vista
Henry N. Brown, Jr.
240 Ridge Drive
James E. Brown
Lakeland Apts., 4-B
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Box 330
H. Newell Bruner
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Harry M. Bryan
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Clifton E. Bryant
3553 West Capitol St.
Noel W. Buckley
James D. Buford
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Jackson 5
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Hugh Craig Castle, Jr.
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Hon. Edward Lawson Cates
3929 Greaves St.
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1007 Dep. Cty. Bank Bldg.
Box 157
Jackson 5
Repnolds S. Cheney
801 Plaza Bldg.
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W. M. Childress
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Bernard W. N. Chill
Dep. Cty. Bank Bldg.
Albert Frank Cioffi
612 Plaza Bldg.
Charles Clark
Lamar Bldg.
P. O. Box 158
G. C. Clark, Jr.
107 Electric Bldg.
H. M. Clark
308 First Federal Bldg.
Percy Clifton
Fihst Fed. Svgs. & Loan Bldg.
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Henry D. Cook
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E. K. Correll
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111-113 S. Roach St.
William Harold Cox
1009-10 Dep. Cty. Bank Bldg.
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736 Eagle Ave.
Marvin Crawford
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Wade Creekmore
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Bert Crisler
311 Dep. Cty. Bank Bldg.
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Earl R. Cruthirds
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E. Hugh Cuningham, Jr.
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Mrs. R. E. Cunningham
1029 North Congress St.
Joe H. Daniel
1002 Dep. Gty. Bank Bldg.
Box 2061
R. A. Darden
644 Choctaw Rd.
Thomas Edwin Davidson
P. O. Box 2473
James L. Davis, Jr.
205-06 Century Bldg.
H. G. Deterly
236 Mount Vernon St.
Mrs. Ruth M. Deterly
236 Mount Vernon St.
R. R. Dinsmore, Chief Att'y
Veterans Administration
J. Hubern Dodd
1173 Arbor Vista
Colbert Dulley
130 Santa Clair
Vardaman S. Dunn
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Allan T. Edwards
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814 Plaza Bldg.
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Charlie J. Elsea
835 North President St.
George H. Ethridge
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Bethel Ferguson
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Weaver E. Gore, Jr.
Box 186
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R. Gordon Grantham
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101½ East Griffith
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801 Plaza Bldg.
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4016 N. State St.
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563 Willaman
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152 Treehaven
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Dean Laurence
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Warren V. Ludlan, Jr.
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P. O. Box 568
Otho Magee
1942 Wingfield Circle
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John P. Maloney
Box 330
Judge Luther Manship
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Roland D. Marble
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222 Duncan St.
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Chief Justice of
Supreme Court
New Capitol Bldg.
Judge M. M. McGowan
Circuit Court
Alexander McKeigney
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Box 724
M. B. Montgomery
414½ E. Capitol St.
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729 Woodbury Road
Russel D. Moore, III
1016 Plaza Bldg.
Box 995
Dan M. Morse
602 Plaza Bldg.
W. E. Morse
602 Plaza Bldg.
W. M. Mounger
Dep. Gty. Bank Bldg.
Adrian E. Mullen
2237 First Ave.
Thomas Earl Mullen
P. O. Box 2026
Carl D. Mullican, Jr.
c/o Miss. P. & L. Co.
Electric Bldg.
George S. Neal, Jr.
412 Barnett-Madden
Bldg.
William H. Neely
P. O. Box 78
William T. Neely
P. O. Box 17
A. M. Nelson
220-221 Electric Bldg.
P. O. Box 1072
Mrs. Alice Nevels, Secretary
Mississippi State Bar
Box 1032
Hugo Newcomb
Box 959
W. R. Newman, Jr.
Standard Life Bldg.
Robert G. Nichols, Jr.
209 Lamar Life Bldg.
Charles R. Nix
1134 Lewis
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N. W. Overstreet, Jr.
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Harry D. Owen
509 Standard Life Bldg.
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Joe T. Patterson
Asst. Atorney-General
New Capitol Bldg.
John Lamar Penny
313 Wacaster St.
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Robert E. Perry
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1043 Poplar Blvd.
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Logan G. Phillips
Lamar Bldg.
Robert Boyd Pickens, Jr.
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W. W. Pierce
100½ W. Capitol St.
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341 Segura Ave.
John R. Poole
208½ North St.
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Box 481
Robert Prisock
957 Fortification St.
Ralph David Pruett, Jr.
Bldg. 2, Apt. C
Raymond Gardens
R. L. Purser
1300 N. President St.
John M. Putnam
412 Plaza Bldg.
Judge L. A. Pyle
Chancellor
Dixon Pyles
507½ E. Pearl St.
Bob Ray
300 Lamar Life Bldg.
W. C. Reed, Jr.
100 E. Pearl Bldg.
John Sivley Rhodes
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Loan Bldg.

Otho Dan Rhodes
317 McAdoo St.
Barron C. Ricketts
306 Dep. Gty. Bank Bldg.
Box 1224
C. R. Ridgeway, Jr.
233½ E. Capitol St.
Box 472
William B. Ridgway
Box 472
W. E. Robbins
196 Kolb St.
Box 1831
Judge W. G. Roberds
Asso. Justice,
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1325 North State St.
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Phineas Stevens
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Colin Leroy Stockdale
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Juentin Stringer
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W. Calvin Wells, III
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792 Dep. Gty. Bank Bldg.
Fielding L. Wright, Jr.
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KEESLER AFB

Capt. Samuel T. Lloyd, Jr.
O. M. R. 46

KOSCIUSKO

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John Frank Allen
John Percy Allen
William Dixon Brooks
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David E. Crawley, Jr.
Crawley Bldg.
James T. Crawley, Jr.
Box 827
Icey W. Day
Wm. Raynolds Ford
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D. H. Glass
J. D. Guyton
Box 590
John Davis Guyton
Box 590
Chatwin M. Jackson, Jr.
Box 189
John Clark Love
Alton Massey
C. E. Morgan
Merchants & Farmers
Bank
126 W. Washington St.
Clarence E. Morgan, Jr.
Box 348
G. J. Thornton
Singleton B. Watkins, Jr.
Box 487
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
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Judge F. B. Collins
Circuit Court
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William M. Deavours
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c/o Masonite Corporation
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Box 337
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William S. Lawson
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Lumpkin Bldg.
John Pink McDonald
219 Church St.
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Guy W. Mitchell
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W. P. Mitchell
Broadway St.
Noel Monaghan
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R. Jess Brown
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810 First Nat'l Bank Bldg.
E. L. Brunini
810 First Nat'l. Bank Bldg.
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George Chaney
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GENERAL INDEX

TITLE INDEX TO LEADING ARTICLES

Arbitration and Award ..... *Wesley A. Sturges* 181
Closing Agreements and Compromises Under the New Policy of the Internal Revenue Board ..... *Joseph Berman & Daniel Berman* 236
Hearsay ..... *Edmund M. Morgan* 1
Judicial Control of Administrative Discretion Exercised by Military Authorities ..... *Robert Gerwig* 217
Oral Arguments in Appellate Courts—A Forbidden Art ..... *J. P. Coleman* 13
School of Law—The First Hundred Years, The ..... *Robert J. Farley* 87
Task of the American Lawyer, The ..... *Roscoe Pound* 92
Tax Savings in the Sale and Exchange of Real Property ..... *Joseph Berman* 17
Workmen's Compensation—Expressing the Claimant's Views ..... *Samuel B. Horovitz* 190
Workmen's Compensation in Mississippi: The First Five Years ..... *Arthur Larson* 109

AUTHOR INDEX TO LEADING ARTICLES

BERMAN, JOSEPH
Tax Savings in the Sale and Exchange of Real Property 17
BERMAN, JOSEPH & BERMAN, DANIEL S.
Closing Agreements and Compromises Under the New Policy of the Internal Revenue Board 236
COLEMAN, J. P.
Oral Arguments in Appellate Courts—A Forbidden Art 13
FARLEY, ROBERT J.
The School of Law—The First Hundred Years 87
GERWIG, ROBERT
Judicial Control of Administrative Discretion Exercised by Military Authorities 217
HOROVITZ, SAMUEL B.
Workmen's Compensation—Expressing the Claimant's Views 190
LARSON, ARTHUR
Workmen's Compensation in Mississippi: The First Five Years 109
MORGAN, EDMUND M.
Hearsay 1
POUND, ROSCOE
The Task of the American Lawyer 92
STURGES, WESLEY A.
Arbitration and Award 181

TITLE INDEX TO STATE BAR SECTION

Adequate Award in Mississippi, The ..... *Ross R. Barnett* 244
Discovery of Liability Insurance Policies in Personal Injury Suits to Which the Insuror Is Not a Party ..... *Joshua M. Morse, III* 149
Federal False Claims Statute, The ..... *Aubert C. Dunn* 123
Joint Bank Accounts in Mississippi ..... *Warren V. Ludlam, Jr.* 129

Limitation of Action—Notes Payable on Demand ..... *John H. Fox, Jr.* 28
Mississippi Counterclaim Statute, The ..... *John H. Fox, Jr.* 28
Proposed Sale of Sixteenth Section Lands in Mississippi ..... *W. E. Morse* 138
Stennis-Coleman-Brady System of Jury Selection in Mississippi ..... *Joe N. Pigott* 31
Vanishing Litigant, The ..... *American Bar Association Journal* 33

AUTHOR INDEX TO STATE BAR SECTION

BARNETT, ROSS R.
The Adequate Award in Mississippi 244
DANIEL, JOE H.
The Mississippi Counterclaim Statute 252
DUNN, AUBERT C.
The Federal False Claims Statute 123
FOX, JOHN H. JR.
Limitation of Action—Notes Payable on Demand 28
LUDLAM, WARREN V. JR.
Joint Bank Accounts in Mississippi 129
MORSE, JOSHUA M. III
Discovery of Liability Insurance Policies in Personal Injury Suits to Which the Insuror Is Not a Party 147
MORSE, W. E.
The Proposed Sale of Sixteenth Section Lands in Mississippi 138
PIGOTT, JOE N.
Stennis-Coleman-Brady System of Jury Selection in Mississippi 31

NOTES

Decisions of the Mississippi Supreme Court for the 1952-53 Term 35
Enigma of Philanthropy and Taxation, The 160

RECENT DECISIONS

BILLS & NOTES—Discharge of Negotiable Instrument by Destruction 168
CONSTITUTIONAL LAW—Baseball and Interstate Commerce 270
CONSTITUTIONAL LAW—Distribution of Bibles in Public Schools Declared Unconstitutional 271
CONSTITUTIONAL LAW—Prior Censorship of Movies Outlawed or Narrowed 273
CONSTITUTIONAL LAW—Restrictive Covenants—Award of Damages by State Court for Breach as State Action Prohibited by Fourteenth Amendment 169
CONSTRUCTIVE TRUSTS—Heir's Breach of Parol Promise to Hold Benefits for Another 274
CORPORATIONS—New Law for the Clayton Act 171
CRIMINAL LAW—Clarification of Possession and Storage of Beer in a Dry County 276
DAMAGES—Scars or Disfigurement—Instructions—Inadequate Award 70
DOMESTIC RELATIONS—Right of Adoptive Parents to Recover Under Wrongful Death Statute 71
INCOME TAXATION—Expense of Attending Tax Institute by Lawyer Deductible as Business Expense 173
INSURANCE—Validity of Oral Gift of Policy 72
JUDGEMENT LIEN—Execution—When Does Lien Attach to Personal Property 73

Military Law—Jurisdiction Over Former Servicemen 277
Mines & Minerals—Meaning of the Term "Minerals" 278
Monopoly—Validity of Newspaper Publisher's Sale of Advertising Through Tying Arrangement 74
Navigable Waters—Right of Riparian Owner to Artificial Accretion 174
Torts—Malpractice of Physicians and Res Ipsa Loquitur 279
Torts—Proximate Cause in Negligence Cases 76
Torts—Recovery for Mental Suffering Unaccompanied by Physical Injury 78
Witnesses—Self-Incrimination—Waiver of Privilege 281
Workmen's Compensation—Injury Sustained in Football Practice as Basis for Award 175
Workmen's Compensation—Scope of Employment 79
Workmen's Compensation—Sufficiency of Evidence on Appeal 282

BOOK REVIEWS

Anglo-American Law on the Frontier: Thomas Rodney and His Territorial Cases 179
Bender's Federal Practice Forms 178
History of American Bar Association 81
Jurisprudence: Men and Ideas of the Law 81
Law and the Farmer 284
Marital Property in Conflict of Laws 83

PERTAINING TO THE MISSISSIPPI STATE BAR

ADDRESSES

Jerome S. Hafter, *President's Annual Address* 287
W. D. Masterson, Jr., *The Oil and Gas Lease* 306
James Dempsey, *Defense Technique* 315
Breed O. Mounger, *Observations on the County Lawyer* 322
William J. Jameson, *The Organized Bar - What Lies Ahead?* 295
Adrian Palmquist, *An Inadequate Award* 324
Walter Armstrong, Jr.,*Trial Practice Today* 329

COMMITTEE REPORTS

American Bar Association 335
American Bar Association (Jr. Bar) 348
Budget and Finance 335
Complaint Commissioner 336
Judicial 337
Law Institute (Jr. Bar) 344
Legal Aid (Jr. Bar) 350
Legislation (Jr. & Sr. Bar) 337
Mississippi Law Journal 338
Procedural Reform 343
Public Relations 344
Public Information (Jr. Bar) 350
Regional Meeting of A. B. A. 351
Resolutions 345
Standards of Admission to Bar 346
Statistical (Jr. Bar) 351
Study 346

TOPIC INDEX

APPEAL AND ERROR
See also *Constitutional Law*
Oral Arguments in Appellate Courts—A Forbidden Art ... 13

ARBITRATION
Arbitration and Award ... 181

BANKS AND BANKING
Joint Bank Accounts in Mississippi ... 129

BILLS AND NOTES
Discharge of Negotiable Instrument by Destruction ... 168
Limitation of Action—Notes Payable on Demand ... 28

CONFLICT OF LAWS
See *Domestic Relations*

CONSTITUTIONAL LAW
Baseball and Interstate Commerce ... 270
Distribution of Bibles in Public Schools Declared Unconstitutional ... 271
Prior Censorship of Movies ... 273
Restrictive Covenants—Fourteenth Amendment ... 169
Witnesses—Self-Incrimination—Waiver of Privilege ... 281

CORPORATIONS
New Law for the Clayton Act ... 171

CRIMINAL LAW
Possession of Beer in a Dry County ... 276

DAMAGES
Adequate Award in Mississippi ... 244
Arbitration and Award ... 181
Scars and Disfigurement ... 70

DOMESTIC RELATIONS
Marital Property in Conflict of Laws ... 83
Right of Adoptive Parent to Recover Under Wrongful Death Statute ... 71

EVIDENCE
Hearsay ... 1

HISTORY
Anglo-American Law on the Frontier ... 179
History of American Bar Association ... 81
Jurisprudence: Men and Ideas of the Law ... 81
School of Law—The First Hundred Years ... 87
Vanishing Litigant ... 33

INSURANCE
Discovery of Liability Insurance Policies in Injury Suits When Insuror Is Not a Party ... 147
Validity of Oral Gift of Policy ... 72

JURIES
Stennis-Coleman-Brady System of Jury Selection in Mississippi ... 31

LEGAL PROFESSION
Law and the Farmer ... 284
Task of the American Lawyer ... 92

LIENS
Judgment Lien—When Attached to Personal Property ... 73

MILITARY SERVICE
Control of Administrative Discretion Exercised by Military Authorities ... 217
Jurisdiction Over Former Servicemen ... 277

MINES AND MINERALS
Meaning of the Term "Minerals" 278

NAVIGABLE WATERS
Right of Riparian Owner to Artificial Accretion 174

PRACTICE AND PROCEDURE
See also *Insurance, Juries, Liens*
Bender's Federal Practice Forms 178

REAL PROPERTY
See also *Mines and Minerals, Taxation*
Proposed Sale of Sixteenth Section Land in Mississippi 138

STATUTES
Federal False Claims Statute 123
Mississippi Counterclaim Statute 252
Monopoly—Tying Arrangement Requiring Advertisement in Two Newspapers Not Violative of Sherman Act 74

SUPREME COURT OF MISSISSIPPI
Decisions of Mississippi Supreme Court for the 1952-53 Term 35

TAXATION
Closing Agreements and Compromises Under the New Policy of the Internal Revenue Board 236
Enigma of Philanthropy and Taxation 160
Expense of Attending Tax Institute Deductible by Lawyer 173
Tax Savings in the Sale and Exchange of Real Property 17

TORTS
Malpractice of Physisians and Res Ipsa Loquitur 279
Proximate Cause in Negligence Cases 76
Recovery for Mental Suffering Unaccompanied by Physical Injury 78

TRUSTS
Constructive Trust—Breach of Parol Promise by Heirs 274

WORKMEN'S COMPENSATION
Expressing the Claimant's Views 190
Injury Incurred in Football Practice Compensable 175
Scope of Employment 79
Sufficiency of Evidence on Appeal 282
Workmen's Compensation in Mississippi: The First Five Years 109

TABLES OF CASES

Ainsworth v. Barn Ballroom Co. 229, 231
In re Estate of Alexander v. Hamilton 229, 231
American Creosote Works v. Harp 112
American Telephone & Telegraph v. United States 225
Anderson v. Lancaster 35
Anderson v. Love 138
Arenas v. United States 226
Barrows v. Jackson 169, 170, 171
Belhaven College v. Downing 28, 38
Bell v. Tindall 39
Benbrook v. Yancey 275
Bernard v. Supervisors of Jackson County 42
Biedenharn Candy Company v. Moore 248
Black v. Stone Lumber Company 67
Blackwell v. Hunt Oil Company 43
Blakeney v. State 46
Blayborough v. Brantford 71

Boatman v. State 46
Ex parte Bollman and Swartwout 221
Bountiful Brick Company v. Giles 204
Bowers v. Olch 279
Brackett v. Woodall Food Products 157
Branning v. State 57
Bridgforth v. Middleton 143
Brior v. Timreck 156
Broadhead v. Stone 62
Brookhaven Steam Laundry v. Watts 121
Brown v. Patterson 258
Bruckner v. Commissioner 162
Burgess v. State 57
Buroughs v. Oliver 71
Butler v. State 65
Byrd v. Reserve Life Insurance Company 36
Calvert Fire Insurance Company v. Swain 65
Carroll Notion Company v. Neville, Trustee 39, 65
Carter Company v. Farley Clothing Company 36
Cole v. State 55
Commercial Pitcures Corporation v. Regents of State of New York 273
Commissioner v. Court Holding Company 21
Connell v. Howard 140
Continental Southern Lines v. Klaas 60, 67, 76
Cook v. State 48
Cotton v. Walker 266
Coughlin v. Commissioner 173
Cowart v. Pearl River Tung Company 282, 113, 115
Crawford v. Brown 45
Credit Industrial Company v. Adams County Lumber & Supply Company 38
Cumberland Telephone & Telegraph Company v. Mississippi 155
Cyrus v. Miller Tire Service 120
Dakota Central Telephone Company v. South Dakota *ex rel.* Payne 231
Dalton v. Madison 62
Darrin v. Capital Transit Company 78
Dartmouth College Case 13
DeLee v. Anderson 44
Demaree v. Superior Court 149
Dickinson v. United States 229
Dr. Pepper Bottling Company v. Lilly 60
Duke Power v. Greenwood County 231
Duling v. Duling's Estate 134
Duncan v. Kahanamoku 226
Edwards House Company v. Stone 39
In re Extension Boundaries Brookhaven 41
Feazell v. State 57
Federal Baseball Club of Baltimore v. National League 270
Ferris v. Wilbur 231
Finkbine Lumber Company v. Cunningham 156
Foster v. Jefferson County 143
Furches Motor Company v. Anderson 35
Gardella v. Chandler 271
Gargiulo v. Gargiulo 121
Gates v. Gates 49
Gillespie v. State 56
Godwin v. Godwin 130, 132
Gordon v. Lee 248
Greene's Case 205

Griffith v. Gulf Company 45
Grimsley v. State 68
Gulf Transport Company v. Allen 244
Hardeman v. State 55
Hardin's Bakeries v. Ranager 114, 116, 117
Harrelson v. State 59
Hartford Accident & Indemnity Company v. Cardillo 120
Haynes v. Graves 60
Helvering v. Bruun 20
Henry v. Toney 55, 56
Hester v. Crisler 140
Higgins Lumber Company v. Rosamond 60
Hill v. Commissioner 173, 174
Hirabyashi v. United States 225, 226, 234
Hitaffer Case 99
Hitt v. State 69
Holcomb v. City of Clarksdale 40
Horne v. State Building Commission 64
Hoyle v. State 276
Hudson v. Landers 61
Hudson v. Pevsner 60
Humble Oil Company v. Welborn 45
Humble Oil & Refining Company v. State 144
Hurd v. Hodge 170
Illinois Central R. R. v. Sanford 154, 155
Ingalls Shipbuilding Corporation v. Byrd 51, 115
International Shoe Company v. Harrison 37
J. & B. Manufacturing Company v. Cochran 52
Jackson v. Fly 52
Joe Ready's Shell Station & Cafe v. Ready 51, 79
Jones v. Harper 229, 230
Jones v. Harris 182
Jones v. Madison County 141
Jones v. Parker 50
Jones v. State 58, 46
Jones v. Wetzel 68
Joseph Burstyn, Incorporated v. Wilson 274
Kansas City So. Ry. v. United States 224
Karr v. Armstrong Tire and Rubber Company 52
Kennard v. Evans, Admr. 54
Knight v. State 63, 55
Lackey v. State 56, 57
LaDew v. LaBorde 115, 52
Laffery v. U. S. Gypsum Company 156
Laird v. Bethea 43
Lamar v. State 65
Lambert v. State 143
Lauchly v. Shurley 35
Laural Light & Railroad Company v. Jones 245
Lee v. State 65
Leverette v. Ainsworth 133
In re Lewis' Estate 132, 135, 137
Louisville & N.R.R. v. Whisenant 248
Love v. Town of Carthage 41
Lucedale Veneer Company v. Rogers 283
Magruder v. Supplee 20
Mapp v. State 48
Marine Ry. and Coal Company v. United States 175

Martin v. Adams 44
Martin v. Mott 218, 220
Mastin & Company v. Mangum 50
Mayes v. Mayes 145
Estate of McCardle v. City of Jackson 40
McCulloch v. Maryland 13
McDonald v. Texas Employer's Insurance Association 71
Meador v. Dollar Store 50
Meek v. The Farmers' Cooperative 44
Mellon v. Commissioner 162
Merchant's Grocery Company v. Merchant's Trust & Banking Company 154
Ex parte Merryman 221
Metropolitan Life Insurance Company v. Wright 247
Miles and Consolidated Underwriters v. Myatt 53
Miles & Sons v. Myatt 119
Milner Products Company v. S. S. Salitan 56
Minor v. Higdon 49
Mitchell v. Harmony 220, 222, 228, 233
Mitchell v. Mitchell 67
Moore v. Abdalla 252
Moore v. Crump 275
Moss v. Jourdan 279
Moss Point Lumber Company v. Supervisors 144
Mueller v. Commissioner 165
Musselwhite v. State 66
Mutual Implement & Hardware Insurance Company v. Pittman 120, 191
National Surety Corporation v. Kemp 79, 118
In re Neff 281
Nelson v. Ratliff 138
Newman v. Young 49
Oden Construction Company v. Helton 36
Old Ladies Home Associated v. Miller 54
Orloff v. Willoughby 229
Pace v. State 144
Palsgraf Case 77
Pan American Petroleum Corporation v. Pate 156
Parker v. Laubenheim 55
Parmlee v. City of West Point 65
Pathfinder Coach Company v. Cottrell 52
Payne v. State 67
Peerless Supply Company v. Jeter 59
Peoples' Bank & Trust Company v. Garner, Extr. 68
Phenix v. State 47
Picone v. Commercial Paste Company 38
Pongetti v. Spraggins 61
Proctor v. Hoage 80
Proctor v. Hunt 66
Producers' Gin Association v. Beck 35
Puyper v. Pure Oil Company 41
Quinn v. Porter 53
Ragsdale v. Ragsdale 275
Ray v. State 247
Reed Construction Company v. Martin 52
Rhyne v. Gammil 36
Rinklin v. Acker 156
Roche's Beach, Incorporated v. Commissioner 161, 165
Sanders v. Smith 280
Sandifer v. Sandifer 49

Schill v. Gipson 37
Sears, Roebuck & Company v. Burke 248
Shackleford v. Dobbs 53
Shearin v. Coleman 133, 135
Shelley v. Kraemer 169
Shepard v. United States 7
Shipman v. Lovelace 64
Shipp v. State 59
Sistrunk v. Graham 45
Smith v. State 31
State v. Dear 144
State v. Gill 174
State for the Use of Daniel v. McNeal, Sheriff 61
State for the Use of Little v. U. S. F. & G. Company 61
State Street Trust Company v. Muskogee Electric Traction Company 168
Stephens v. Stephens 131, 136
Stephens and American Mutual Liability Insurance Company v. Moore 62
Stepson v. Brand 72
Stewart v. Barksdale 134
Stockstill v. Bennett 44
Stovall v. Stovall 275
Strickland v. Coopwood 68
Stuart v. Pickett 74
Sullivan v. State 56
Sunflower County v. Moorhead Drainage District 42
Superior Films, Incorporated v. Department of Education of State of Ohio, Division of Film Censorship 273
Superior Insurance Company v. Superior Court 150
Superior Oil Company v. Foote 66
Sykes v. City of Crystal Springs 41, 56, 69
Tanner v. State 56
Teche Lines, Incorporated v. Pope 250
Terry v. Mayo 146
Texas Gulf Company v. Griffith 45
Thornton v. Magnolia Textiles 113
Times-Picayune Publishing Company v. United States 74
Toolson v. New York Yankees, Incorporated 270
Toth v. Talbott 277
Trinidad v. Sagrada 165
Tubb v. State 63
Tucker v. State 58
Tudor v. Board of Education 272
Turnage v. State 58
Tyler v. Pierce 68
United States v. Cumberland Public Service Company 21
United States v. Pacific Railroad 228
United States v. Paramount Pictures 274
United States v. Russell 228
United States v. Sears, Roebuck & Company 171
United States v. Speed 221
University of Denver v. Nemeth 175
Vascoe v. Ford 70, 245
Waddle v. Sutherland 280
Wallace v. Harrison 54
Walton v. State 276
Ware v. State 63
In Re Ware's Estate 134, 136
Warren County v. Gans 144

Waterman v. Whitney 6
Wells v. Boatner 66
Whittington v. State 65
Wiggins v. State 68
Wilkinson v. State 47
Williams v. Henz 43
Williams v. State 57
Willis Hardware Company v. Clark 40, 73
Witherspoon v. Campbell 278
Womack v. Peoples Water Service Company 42
Woodley v. Bubendorf 259, 261
Wright v. Doe d. Tatham 7
Wright v. Valan 280
Ybarra v. Spangard 281
Yick Wo v. Hopkins 223

MISSISSIPPI STATUTES

MISSISSIPPI CONSTITUTION (1890)
Article I, Section 1, 2 41
Article III, Section 23 57
Article VIII, Section 211 143
Article XII, Section 241 52
MISSISSIPPI CODE (1942)
Section 42 39
Section 45 30
Section 269 40
Sections 279—297 182
Section 421 50
Section 479 54
Sections 495—656 262
Section 612 262
Section 690 74
Section 692 74
Section 722 28
Section 724 ..... 29, 35
Section 747 265
Section 875 30
Section 1148 64
Section 1269 ..... 50, 71
Section 1296 252
Section 1433 268
Sections 1448—1450 262
Section 1453 ..... 71, 262, 268
Sections 1481, 1482 252
Section 1483 252
Section 1520 65
Section 1530 69
Section 1555 ..... 40, 73, 74
Section 1604 263
Section 1643 65
Sections 1658, 1659 157
Sections 1699—1709 148
Section 1711 56
Section 1712 148
Section 1714 154
Sections 1714—1724 148
Section 1805 263
Section 1876 154

Section 1971 64
Section 2010 48
Section 2011 46
Section 2146 47
Section 2149 47
Section 2153 47
Section 2240 47
Section 2249 48
Section 2442 68
Section 2532 48
Section 2538 48
Section 2558 66
Section 2630 58
Sections 2841—2869 259
Section 2859 259
Section 3175 62
Sections 3374—3378 41
Section 3419 41
Section 4627 42
Section 4876 62
Section 5205 ..... 129, 131, 133, 135
Section 6998—01 282
Sections 6998-01—6998-59 79
Section 6998-03 53
Section 6998-04 53
Section 6998-05 110
Section 6998-12 50
Section 6998-36 111
Section 6998-39 80
Section 6998-39 (a) 119
Section 8215 76
Section 8285-21 157
Section 8846 42
Section 9266 (c) 135
Section 9697 42
Section 9746 40
Section 9769 40
Section 9775 44
Section 10, 113 39
Section 10, 208 275

MISSISSIPPI CODE (1930)
Section 3809 132

HEMINGWAY'S CODE (1927)
Section 3613 131

MISSSISSIPPI CODE (1906)
Section 3941 154

MISSISSIPPI CODE (1871)
Sections 2015-2021 143

MISSISSIPPI LAWS (1946-1950)
1946, Chapter 325 41
1948, Chapter 256, Section 2 (a) 66
1948, Chapter 256, Section 9 45
1948, Chapter 354, Section 36 53
1950, Chapter 220 45
1950, Chapter 239 66
1950, Chapter 412, Section 7 52
1950, Chapter 491 41
1950, Chapter 494 41

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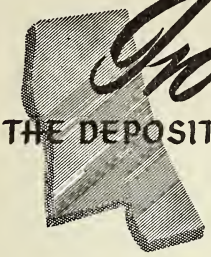

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